

Vol 8. X. 1

MORAL and POLITICAL
DIALOGUES

BETWEEN

DIVERS EMINENT PERSONS

OF THE

PAST and PRESENT AGE;

WITH

CRITICAL and EXPLANATORY NOTES

Dr. R. By the EDITOR. Hurd

Respicere exemplar morum vitæque jubebo
Doctum imitatore, et veras hinc ducere voces. Hor.

THE SECOND EDITION.

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and J. WOODYER, at Cambridge.

MDCCCLX,

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Accept it then, courteous reader, in the very terms in which it passed between us; and if there be any instruction to be gathered from it to thyself, *fruere et lætare*.

BOOKSELLER.

Two thousand copies!—I tell you honestly, Sir, I dare venture on no more than *Two hundred and fifty*.

EDITOR.

What, not venture largely on these dialogues? Look you, Mr.—, I take you for a man of sense and knowledge in your business. You cannot be ignorant that what I offer you is no vulgar trash of either ancient or modern pens. You have here a collection of choice and authentic conversations; not between men of obscure names, or, which is still worse, between those shadows of men without name, the A's and B's of every alphabet. The speakers in these dialogues are real persons; men, once fairly existing in the world, nay, and the most respectable of their times, the very same, many of them, whose works you sell so well, and so creditably live by.

BOOKSELLER.

True, Sir; but posthumous works, you know —.

EDI-

P R E F A C E.

EDITOR.

I grant you, as to sermons of divines, or even essays and fragments of politicians. But these, though posthumous, are of much better birth; complete pieces, I assure you; and though not intended for the public eye, drawn up with as much fidelity and exactness as if they were. And let me tell you, the very circumstance of their having passed in private between friends gives them so much the air of a secret, that it cannot fail to pique the reader's curiosity, and carry off a large impression.

BOOKSELLER.

Indeed, Sir, if the subjects had been of a happier cast, that dash of a secret might —

EDITOR.

Oh, I understand you. If these dialogues had turned on some love-adventure or court-intrigue; if they had called in question any received principle of religion or good manners; above all, if they had dealt in scandalous history, and had discovered to us some defect in the morals or some notorious weakness in the understandings of men, whom the world hath been taught to reverence; if any thing of this sort had been brought to light in

the dialogues, some good, you would say, might have been expected from them.

BOOKSELLER.

I cannot deny that something of that nature was in my head. For to think the public will take an interest in hearing these old folks talk together, as they were wont; or will attend to what they have to say for themselves on half a dozen impracticable subjects of morality and politics, which every news-paper too treats of; believe me, Sir, this is downright extravagance in you. And I cannot but wonder that a gentleman of your years, and so much discretion as (pardon me, Sir,) your appearance speaks you, should have fallen into so wild a notion.

EDITOR.

To say the truth, the subjects are not altogether such as I could wish them. I have even that confidence in your judgment of the public taste, as to believe that what you seem to have an appetite for, would have satisfied it much better. Yet surely matters cannot be so bad as you represent them. The subjects indeed are common: but therefore the fitter, one would think, for common readers. What, I pray you, are the most admired and correct works of the time? The CONNOISSEUR, you will

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will tell me, or the WORLD. Your brother *Dodſley* declares poſitively for the WORLD. Nay, if you believe ſome judicious perſons, it contains all the wit, and well nigh all the learning of the preſent age. And yet there is ſcarce a ſubject in it but is ſo common, and, what is more, treated ſo naturally, that you ſhan't find a court-lady, or even a court-chambermaid, but thinks ſhe could have done as well. But as *Horace* ſays (you underſtand *Latin*, Mr. —)

— *ſudet multum, fruſtraque laboreſ*
Auſus idem —

So it is with theſe dialogues, I promiſe you. And for matter of authority, ten to one the names of COWLEY, WALLER, ADDISON, ARBUTHNOT, &c. may go as far with ſome readers, as thoſe of C. M. B. J. or even Mr. DODSLEY himſelf.

Then as to what you ſay of theſe men converſing but *as they were wont*, why this, I ſhould fancy, muſt be very taking in an age that piques itſelf on its knowledge of men and manners, and loves, above all things, to ſee the truth of character in every compoſition. Alas, Mr. —, to what purpoſe have ſo many fine novels been written and read of late, if

they have not created a perfect relish for the truth of character?

BOOKSELLER.

Yes, novels, if you please. Another *Pompey the little*, and I'd say something to you. Or, if your fancy lay to the sublime, another *Meditation on the starry heavens* might do wonders. But these same dialogues, which nobody laughs or stares at —

EDITOR.

To be at a word with you, it mads me to hear your affected scruples about a work, which, before it has been out ten days, every conversation will ring with. For don't imagine you have to do with one of those starvelings, that bring their wares to market for a piece of bread. Fame, Mr. —, Fame is my object.

BOOKSELLER.

What, of the *editor of another's work*? Why, this sort of language is out of date, even with our greatest authors. Time was, as I have heard old *Tonson* say, when young men writ for reputation; but it was, I suppose, when reputation was the ready road to something better. Be that as it will, even young men are wiser in our days. A quick sale and ready money are all that reasonable writers now aim at.

EDI-

EDITOR.

And will you tell me that such mercenaries deserve to be ranked in the class of authors? I am, as you say of me, but a simple editor. Yet you mistake your man if you think that any thing but the glory of ushering in a complete work to the public, could have tempted me to assume even that character.

BOOKSELLER.

Indeed, Sir, these are strange flights---But be your notions of fame and authorship what they will, I stick to my point: not one above *two hundred and fifty* will I publish. Thus far I go on sure grounds. Sir, I have made my calculation. Taking in the several pamphlet-clubs and circulating libraries about town, and the learned assemblies of reading divines in the country, and allowing for some dozen or two of your own friends and chance-customers, that Number, I verily believe, may be got off.

EDITOR.

Come, Sir, let me intreat you. No more of these freedoms with great authors. I have some knowledge myself, of the age we live in. I take it to be a fine discerning age, notwithstanding the ill impressions you would give me of it. It cannot be but that such a work as I

put into your hands, must meet with a very noble reception. The fine gentlemen will think it as easy reading as a *French* novel or an *English* piece of politics. And the learned will regard it as a perfect model of dialogue-writing. But above all, the Antiquarians will be charmed with these remains of the golden age of literature. Think only, how the INCORPORATED SOCIETY will dote upon them. Sir, I may be bold to say, they would have enriched the *British Museum*, to which (if the governors had not resolved to buy no more, and I had not resolved, at all events, to give this treasure to the public) I should certainly have devoted them.

Of the *Notes*, indeed, I say nothing, because they are my own proper manufacture. But good judges tell me they cannot be ill received in so note-writing an age as the present, when *Hudibras* or *Horace* equally serves the turn for a commentator to shew his wit on.

In a word, Mr. —, I have a respect for you. I intend the whole for your benefit, as well as the entertainment of the public. And I must not have you neglect to do yourself good by a very large impression.

BOOKSELLER.

Sir, I am much beholden to you for this courtesy. Not, but to say the truth, I have been honoured in my time much in the same way by many other of the great authors I deal with. But under favour, Sir — not that I have any scruples myself — but — may I depend on the dialogues being truly original ?

EDITOR.

Nay, if you go so far as to suspect that —

BOOKSELLER.

Why such things have been, and very lately too. You must have heard how a brother of mine was served the other day, who bargained and even paid for a set of letters, pretending to have been the furniture of a noble peer's closet, whereas the town knows they were but the sweepings of a dirty garret. Not that I would insinuate any thing like this of your dialogues. I put the question only, because a learned person, a *Scots* gentleman, I have in my house, and whom I usually advise with in these cases, has hinted to me that, on running them over, he has some slight suspicions of that nature.

EDI-

EDITOR.

Oh, none like your *Scots* critic for smelling out a roguery. But, Sir, did you ever hear of a forgery in your life, without some reasonable end proposed by it? And what end can you suspect me of proposing to myself? Not that of profit, it is clear, since you, who have the reputation of dealing as generously by your authors, as any man, scruple the printing even so many copies as will pay the charge of the impression. As little can it be the fame of passing for an original writer, since, if the imposture succeeds, the author of course is out of sight. Nor, lastly, the perverse pleasure of imposing on the learned: of which there is small hope, if your family-critic has got the scent so early.

I have a mind to satisfy you, and therefore give you these unanswerable reasons against the charge of imposture. But this, as I say, is only for yourself. For where is the hurt, I mean to the bookseller, if some learned critic steps forth and undertakes to prove the whole collection to be spurious? This, of course, brings on a controversy. The public attention is raised. Pamphlets are published on both sides. And when matters become reason-

reasonably embroiled, or the subject grows stale, out comes an advertisement that the original manuscripts are in your hands, for the satisfaction of the curious. All this while you are on the winning side. And the contention only serves to quicken the sale and confirm the credit of the collection.

BOOKSELLER.

I must needs confess there is something taking in this project. But we of the better sort in the trade reckon it the fairer way to expose the manuscript at first, for the satisfaction of the curious.

EDITOR.

You must excuse me there, Mr. —, depend upon it, the dialogues are precisely what the editor gives them for. But he has his reasons for leaving captious people to themselves at first. And what if he has a mind to make an experiment of the public judgment? A great poet, you have heard, once did so, and had the pleasure of laughing very heartily at the expence of his judges.

BOOKSELLER.

Ah, Sir, these experiments on the public are dangerous things. But it shall be as you please.

please. And because I see you understand something of good management, I don't care if for once I change my mind, and even venture on *five hundred*. But this only, provided the additional *two hundred and fifty* be ushered in with a new title-page, setting forth the SECOND EDITION.

EDITOR.

Now indeed you talk a little reasonably— But one word, before we part, of the manner of introducing this treasure to the public. You will, of course, see to a large type and good paper. And would not a few designs, if well done by the best hands, be very proper, as giving the public to understand that they have to do with no vulgar writer?

BOOKSELLER.

All that, in due time. When a book has made its fortune with the lower class, these decorations may do well, and help to bring it into better company. But there is no hazarding this expence at first. Your plain *English* reader loves his pennyworth for his penny. He is apt to startle at a thin page and large margin, and thinks your pictures but a pretty device to cheat him of his money.

ney.— Sir, allow me to be the best judge of these matters. But there is one thing you will do well to consider. You intend to *dedicate*, no doubt —

EDITOR.

Why, truly I have been thinking of that. But, though the great men of our time are extraordinary judges of literature, and many of them, to do them justice, no less extraordinary writers, yet I cannot bring myself to beg the patronage of any of them to these dialogues. It would look like a distrust of their own merit. And besides, who knows but that, considering the indigence of most authors, and the liberality of such patrons, a worse dishonour may ensue, and the editor be thought capable of a design to enrich himself by this publication, whereas his sole purpose, as you know, is to benefit the public.

BOOKSELLER.

Alas, no ; there is little danger of that imputation. The patrons of our days think a great deal too delicately to disgrace letters, by any paltry returns of that kind for the honour which letters do them. And, to say the truth, why should any such return be expected?

pected? For a *dedication*, as I take it, is for our sake, not their's. A noble name in the front of a new work does the office of a fair sign. It catches the eye of passengers, and invites custom. And it is purely, Sir, upon this footing that I make bold to recommend it.

EDITOR.

You are a wise man, Mr. —, and know best what expedients of this sort it is proper even for great authors to submit to. But for the dialogues themselves, let me hear no more of your objections. Not but I believe they are as good as any body else will ever bring against them. And for that reason I will even set them down and make a preface of them, that ill-disposed men may see how little the editor apprehends from the worst that can be said against them.

DIALOGUE I.
ON
SINCERITY
IN THE
COMMERCE of the WORLD:
BETWEEN
Dr. HENRY MORE
AND
EDMUND WALLER, Esq;

—In Aristippi furtim præcepta relabor,
Et mihi res, non me rebus submittere conor.

HOR.

THE HISTORY OF

THE UNITED STATES

OF AMERICA

BY

EDMUND WALLER

Author of "The History of the United States of America"

Vol. 1

DIALOGUE I.

ON SINCERITY in the Commerce of the
World.

Dr. HENRY MORE, EDMUND WALLER, Esq *;

Dr. MORE.

“PULCHRA ô SIMPLICITAS! beata Virgo!
“ Tu vincis radios nitore Phœbes,
“ Tu stellas superas decore cunctas;
“ Tu——†”

Mr. WALLER.

Enough, enough, my good friend. Your enthusiasm is too powerful for me. There is a perfect magic in your encomiums. They warm me to that degree, that I too, in my turn, could almost declaim, as you have done, on the intrinsic excellencies of TRUTH and HONOUR.

* The *time* and *place* of this conversation are luckily fixed by the following memorandum, entered on a blank leaf of the original.

“ A conference with Master *Edmund Waller*, at his manor of BECONSFIELD, in the AUTUMN of the Year 1675.
“ H. MORE.”

† From his Latin poem, entitled MONOCARDIA.

Dr. MORE.

Believe me, there is nothing magical in the case. Such is the natural impression which these sorts of paintings make on a mind like your's. For there is something I have always observed of near affinity between *virtue* and the *elegant arts*. Whoever is born with a quick sensibility of the *one*, is rarely without a high relish of the other, and more perfect beauties.

Mr. WALLER.

Such, I know, is the language of you Platonists, who have an agreeable way of resolving all virtue into *taste*. And there is something, I must own, very taking in this philosophy. The pictures you draw of the moral *forms*, as you call them, are so lovely, that a man can hardly avoid contracting a sort of passion for them. But, may not this passion cool or go off, as other passions do, by time? Or may not experience furnish something more substantial for the mind to rest upon, than these thin and shadowy visions?

Dr. MORE.

O! you mistake me, Sir, if you think I meant to represent *Sincerity*, which I have been magnifying so much, in the light of a fair picture only. The sentiments I have delivered to you, are great and solid truths; such as the understanding

derstanding may dwell upon, and which deserve, or rather demand, to be made the governing principles in life.

MR. WALLER.

Why so indeed; they have ever appeared to me in my calmer hours, and more especially when, as at this time, I come forth from *Plato's* or your school, where no embellishments of wit or fancy have been wanting to recommend them. Then, indeed, the impressions are strong: I perceive a diviner spirit breathing on my mind: and all your praises and panegyrics on Sincerity hang like a charm about me, and continue sounding in my ears. But shall I confess to you that my soft and pliant affections have not been able to retain those impressions very long; but, that as soon as I returned into the busy haunts and commerce of men, I have found them vanish from off the mind like a dream, or as the slight texture of yon cloud, which we see dispersing before us?

DR. MORE.

This, which you describe, is very likely to be the case of those who enter on the scene of life without any fixed principles. But I do not apprehend how the world should immediately, as you suppose, efface a virtue so agreeable to the human mind, as that of Sincerity, when it has once fairly taken possession of it. Much less can I believe

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that you intended to give this as the result of your own personal experience.

Mr. WALLER.

To deal plainly with you, I meant it as an acknowledgement of my own weakness. Nay the sense of it hath sometimes carried me so far as to suspect that the art of living, like many others, is rather to be considered as a speculative amusement, which may serve to fill up our vacant hours, than as a rule of conduct, which can be expected to have much influence in real life.

Dr. MORE.

If I could think you serious in this profession, it would almost tempt me to alter the opinion I had entertained of you men of genius. Virtuous impressions, I should then say, though made with more difficulty on coarser minds, yet are more lasting in them, than in those of a finer texture, that native warmth which prepares you to receive, disposing you as easily to give up, the impression. But, though you dissemble the matter, it is not difficult, I believe, to guess at your real meaning. It is not that you judge the principle itself to be chimerical, or that philosophy hath not arguments enough to enforce it; but that those which philosophers often urge in its behalf, are not so convincing as you suppose they might be: and this may very well have been the case in this conversation. You would say then (if your politeness

liteneſs would give leave for ſo frank a declaration) that the manner in which I have taken upon me to recommend Sincerity, is defective. This, at leaſt, is what I ſhould be diſpoſed to admit, much ſooner, than that a perſon, of your worth and liberal breeding, can be wanting in a due attachment to ſo conſiderable a branch of moral virtue.

Mr. WALLER.

This candour is no more than might be expected from a generous nature, like your's, poliſhed and humanized by the beſt philoſophy. But wherever the defect lies, I muſt freely own to you, the praiſes, which you and other moraliſts have ſo frequently, and in ſuch triumphant terms, given to this virtue, have not been attended, in my own caſe, with the full effect, you ſeemed to promiſe yourſelves from them. And yet I do not forget the late admirable ENCHIRIDION*; in which, as in this diſcourſe, you employ your utmoſt eloquence, to adorn and recommend it. The reaſons of this diſappointment may, perhaps, be various: but a want of force or care in *delivering* the doctrine, I am apt to think, is not one of them. On the contrary, the very pomp, with which it hath been ſet off, hath contributed, perhaps, as much as any thing, to miſlead our judgment of the

* The ENCHIRIDION ETHICUM, firſt published in 1667. The chapter alluded to, ſeems to be 3. L. II. on the Subject of SINCERITY.

doctrine itself. One is more especially inclined to this suspicion, when the eloquent moralist himself is of that warm temperament, that his affections readily flame out at the touch of his own fiery meditations, and when those, to whom he addresses himself, are also not void of those *sensibilities* you before spoke of. When this is the case, it is easy to foresee what will be the effect of so extraordinary a combination: For as the 'air and tone of the speaker are then divine, so, as I remember *Seneca* somewhere observes *, the hearers, in such circumstances, easily pass into all his affections and transports, discovering, in the agitation of their mind and countenance, a degree of fury, not unlike to that which possessed the priests of *Cybele*, on the striking up ~~up~~ of their sacred fifes and cymbals.

Dr. MORE.

It is not strange that you Poets, who, as one of your own family expresseth it, are of *imagination all compact*, and have, on a thousand occasions, felt the force of its illusions, should be so suspicious of its power, and ready to resolve all conviction into the trances of this faculty. Yet

* I am not sure if the following be the passage intended, but it comes the nearest to this sentiment of any I have observed in the writings of *SENECA*. *Quidam ad magnificas voces excitantur, et transeunt in affectum dicentium, alacres vultu & animo; nec aliter concitantur quam Phrygii solent tibicinis sono semiviri & ex imperio furentes.* Sen. Ep. 108.

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this, allow me to say it, is no generous return to the sage, who, knowing the importance of his doctrines, is willing to employ every honest stratagem to recommend them. Nay, perhaps his ambition was to catch, by this artifice, the finer spirits; to draw in such as you to the interests of virtue, whom the austerity of strict proof and the argumentative form might have chanced to frighten from the schools of moral science. And, if this were the design of the rapturous moralists, you glance at, it should seem from what hath now so inadvertently fallen from you, that their measures were not ill taken. You discover, even in this attempt, to undervalue their services, the possession which their enchantments (for so you choose to represent them) have taken of you. And, if in a mind so prepared to receive the stamp of VIRTUE, its traces, as you say, disappear so easily, the effect, I must think, is too extraordinary to be charged on a play of wit and fancy. It is an argument indeed, not so much of any defect in the system of the Philosopher, as of the infirmity of human nature itself, even in those, whom we have hitherto regarded as the brightest examples of it.

Mr. WALLER.

I believe there is real *truth* in what it might, perhaps, be thought more decent for me to understand as a compliment only. It is, if you please, in the *infirmity of human nature* we are to

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look

look for a good account of the little hold which all your lectures of virtue have ever taken of the mind. But this infirmity, once acknowledged, should methinks admonish you to new-mould and regulate your systems. For to what purpose should you preach up the sacred and indispensable obligation of any virtue, when the known constitution of human nature will not bear it, or when the first entrance into life and action proves the plausible and fine-spun hypothesis to be a perfect chimæra? Particularly, in the instance of your boasted *Sincerity*, I can hardly believe, if, instead of yielding to the visions of an eager fancy, you had attended something more to the circumstances of plain fact, it could have been possible for you to think of magnifying this pretended virtue as you have done. But there are two misfortunes (for, having launched so far into this nice subject, I shall now, with your leave, proceed plainly and directly in it) constantly attending the moral disquisitions of you lettered and cloystered men. The FIRST is, that you seldom look beyond the narrow circuit of your own cells; and these, you know, contain within them none but what are formed to one model, and who have, besides, no trials to struggle with in the practice of that which no passion contradicts. Hence it comes to pass, that you do not consider what the real condition of mankind is, nor how impracticable all your schemes are in that world, to which your situation makes you entire strangers.

Dr.

Dr. MORE.

It is true, those are inconveniences which lie in the way of us retired moralists. All that can be said for us is, that we endeavour to make up for our own want of experience, by building on that of other men.

Mr. WALLER.

Yes, that was the OTHER particular I was going to object to you. Having no experience of life yourselves, you take up, as you say, with the representations which others have given of it. And, the Greek and Latin writers standing foremost in the estimation of you scholars, it is from these that all your notions of *life and manners* are drawn, just as our late politicians were observed, you know, to take from the same source their maxims of *civil government*. Whereas, *both* were manifestly calculated for other men and other times. The want of attending to this difference hath driven many a patriot into rebellion: And, I must think it, in some measure, owing to the same learned prejudice that so many grave writers have run into a fanciful and enthusiastic morality.

Dr. MORE.

After much unnecessary preparation, you have now at length, I must confess, very sufficiently explained yourself. Your opinion then is, that the rules of moral virtue, like the forms of dress,
vary

vary with the humours of men, and that a system of morals is to receive a new air and cut, at the good pleasure of those who wear it.

Mr. WALLER.

Not entirely at their pleasure ; but, surely, according to the prevailing mode and practice of the times.

Dr. MORE.

I believe, I take your meaning. But, to be serious, this is a strange paradox to me, who have always thought that morality is independent of our fancies and customs, as arising from those unalterable relations in which the author of nature hath placed us with regard to each other ; and not like the rules of civil policy, which take their rise from convenience, and the arbitrary appointment of men.

Mr. WALLER.

Those relations are not altogether so unalterable as you sequestered men are accustomed to represent them. How, for instance, can the *relation* which a man of affairs bears to his country, under the management of the prince or his first minister in our monarchical government, be thought the same as that which an old Greek or Roman stood in to the ideal majesty of his equal republic ? and, if the situations are so different, how can the class of duties belonging to one and the other be the same ?

Dr.

Dr. MORE.

Very easily, if that fidelity which the Greek or Roman magistrate shewed in the discharge of his trust to his commonwealth, be observed by the English courtier in the service of his prince, and that ultimately, (for in this all legitimate constitutions of government agree) for the good and service of the state.

Mr. WALLER.

This last clause was very material. But here again is a fine notion, which I can readily believe you have often indulged with great complacency in your closet at college, and is, doubtless, one of those themes which are set forth with so much florid declamation in the exercises of your young scholars. But not to waste more time in fruitless altercation, let ME, if you please, assume the philosopher, and read you a lecture of morals. Not out of antient books, or the visions of an unpractised philosophy; but from the schools of business, and real life. Such a view of things will tend to discredit these high notions, and may serve, for the future, to amend and rectify all your systems.

Dr. MORE.

I have no objection to this, provided your lecture be intended only as a map of modern life, or an exercise of your wit, and not as a scheme of
morals

morals which is to supersede that of Plato or the Gospel. For, to return your frankness in kind, I can have no opinion of a moral system that is to be fashioned according to the mode at court, or of a moral practice that is to give way to the convenient customs of the world. Ignorance of mankind is a heavy charge against a moralist, and how justly urged, in the present case, may not be a fit matter for him whoishimself a private retired man, to dispute with you. But surely there must be some inconsistency in alledging this defect and blaming, at the same time, the use of those means, which are most likely to remove it. The philosophers of Greece and Rome were not idle and sequestered speculatists: they were men of action and business; and, by every advantage of ability and experience, well qualified to give just pictures of mankind. They have, accordingly, been ever ranked in the first class of those who have instructed us in the knowledge of ourselves; and I concluded the study of their writings, if it could not altogether excuse and cover the want of personal experience, was yet an effectual method to prevent a moralist from the shame of being accounted visionary or fantastical.

Mr. WALLER.

I dispute not the ability of the ancient sages, or the fidelity of those pictures they have left us of mankind. They were, doubtless, taken from
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the life, and the rules of conduct, delivered in their writings, were well adapted to the state of things which prevailed in their popular governments. But what I blame is the rigorous application of their maxims. Be they ever so excellent in themselves, they certainly require to be softened and adapted by some reasonable accommodation, to the different circumstances of other countries and times.

Dr. MORE.

I confess I do not understand this philosophy, so different from what my books, and especially my Bible teaches. But as your enlarged experience may have furnished you with other arguments than I am aware of, for this new doctrine of *accommodation*, I am ready to hear the utmost of what you have to say in defence of it.

Mr. WALLER.

I should not, perhaps, have ventured on such an enterprize in all companies. But in this privacy, and to a person of your candour, I can open myself, on any the most obnoxious argument, without reserve. And yet let me observe one particular, which a little discourtenances this address even to you. It is, not the ridicule only which you attempt to throw on my argument, but the invidious turn you have more than once given to it, by objecting
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the authority of scripture, as well as your Hea-then systems: whereas the same answer, as I take it, will serve for both; that *general precepts are not to be interpreted too strictly*. Allow me but this liberty so constantly taken in the reasonable exposition of any author, and I should not doubt to maintain my opinion with as little dishonour to the sacred, as profane volumes.

Dr. MORE.

I submit in all things to your own terms. Only, as the evening wears apace, I a little apprehend you will not have time for the full display of this new system. However, to favour you all I can, I am content to become a patient hearer in my turn, and shall interpose as little as the tenor of your discourse will give leave.

Mr. WALLER.

We have day enough before us for the business in hand. This wood-land walk indeed, has not the charms which your fancy hath bestowed on a certain *philosophical garden* *. But the heavens are as clear, and the air, that blows upon us, as fresh as in that fine evening which drew your friends abroad, and engaged them

* This, I suppose, glances at the scene of the DIVINE DIALOGUES, printed in 1668. It is a *bowyer in a garden*, some particulars of which are described. From the turn of Mr. Waller's allusion to this scenery, one is not sure if he did not design it as a ridicule on the vulgar manner of introducing a philosophical dialogue.

in a longer debate than that with which I now mean to detain you. For, in truth, you will have little reason to apprehend prolixity, and no great temptation, I believe, to interrupt me, when you understand the manner in which I mean to explain myself. I have no skill at defining: I know little of scholastic niceties and subtil distinctions: I pretend not to the knack of splitting a plain matter into I know not how many fine and minute parts, nor of flourishing on each with much learned proof and curious argument. All this can only be expected from you professors of science, who have the leisure to acquire such arts in the shade of your schools, and the walks of your Academies. I, who was early called out into the heat and bustle of life, am a plain man, and can only represent in a naked way, without ostentation or artifice, such reflections as the current of affairs, in which I have been engaged, occasionally suggested to me. A lecture from me then will afford little room for wrangling and debate. It will consist merely in a review of my past life, and the simple representation of my own experience. All my arguments are plain facts, about which there can be no dispute: and I shall leave it with yourself to determine, how far they will justify the conclusion I propose to draw from them.

Dr. MORE.

How far you may be practised in the rules of *logic*, I cannot say: but this exordium, I suppose, may pass for a specimen of what you are able to do in the arts of *rhetoric*.

Mr. WALLER.

This construction is unfair; I meant not to play the orator with you, but merely to prepare you for the following plain recital, which might otherwise disappoint your expectations. However, let thus much stand for the *exordium*, as you say, if, what I am now to deliver, may rather deserve to pass for an oration, than a moral lecture.

The point I would take upon myself to maintain against you philosophers is, briefly, this; "that *sincerity* or a scrupulous regard to *truth* in all our conversation and behaviour, how specious soever it may be in theory, is a thing impossible in practice; that there is no living in the world on such terms as you propose; and that a man of business must either quit the scene, or learn to temper the strictness of your discipline with some reasonable accommodations. It is exactly the dilemma of the poet,

Vivere si recte nescis, discede peritis;"

of all which I presume to offer my own experience, as the shortest and most convincing demonstration.

Dr.

Dr. MORE.

The subject, I confess, is fairly delivered, and nothing can be juster than this appeal to experience, provided you do not attempt to delude yourself or me, by throwing false colours upon it.

Mr. WALLER.

It will be your business to remonstrate against these arts, if you discover any such. My intention is to proceed in the way of a direct and simple recital.

“ I was born, as you know, of a good family, and to the expectation and inheritance of an ample fortune. To this I succeeded but too soon by the untimely loss of an excellent father. His death however did not deprive me of those advantages, which are thought to arise from a strict and virtuous education. This care devolved on my mother, a woman of great prudence, who provided for my instruction in letters and every other accomplishment. I was, of myself, inclined to books, and was supposed to have some parts which deserved cultivation. I was accordingly trained in the study of those writings which are the admiration of men of elegant minds and refined morals. I was a tolerable master of the languages in which they are composed; and, I may venture to say, was at least instructed in their notions and principles, if I was not able at that time to catch the spirit of their composition: All

which was confirmed in me, by the constant attendance and admonitions of the best tutors, and the strict discipline of your colleges. I mention these things the rather to shew you, that I was not turned loose into the world, as your complaint of men of business generally is, unprincipled and uninstructed ; and that what austere men might afterwards take for some degree of libertinism in my conduct, is not to be charged on the want of a virtuous or even learned education."

Dr. MORE.

I understand you mean to take no advantage of that plea, if what follows be not answerable to so high expectations.

Mr. WALLER.

The time was now come when my rank and fortune, together with the solicitations of my friends, drew me forth, though reluctantly, from the college into the world. I was then indeed under twenty : but so practiced in the best things, and so impressed with the admirable lessons that had been taught me, that I carried with me into the last parliament of king *James*, not the showy accomplishments of learning only, but the high enthusiasm of a warm and active virtue. Yet the vanity, it may be, of a young man, distinguished by some advantages, and conscious enough of them, might be the leading principle with me for a time. In this disposition, it may be supposed,
I could

I could not be long without desiring an introduction to the court. It was not a school of that virtue I had been used to, yet had some persons in it of eminent worth and honour. A vein of poetry, which seemed to flow naturally from me, was that by which I was most ambitious to recommend myself. And occasions quickly offered, that gave a fair and free scope to indulge it. But this was a play of ingenuity in which my heart and affections had no share. I made complimentary verses on the great lords and ladies of the court, with as much simplicity and as little meaning as my bows in the drawing room, and thought it a fine thing to be taken notice of as a wit in the fashionable circles. In the mean time, the corruptions of a loose disorderly court gave me great scandal. And the abject flatteries, I observed in some of the highest stations and gravest characters, filled me with indignation. As an instance of this, I can never forget the resentment that fired my young breast at the conversation you have often heard me say I was present at, betwixt the old king, and two of his court prelates *. And if the prudent and witty turn the venerable bishop of *Winchester* gave to the discourse had not attoned, in some measure, for the rank offensive servility of the *other*, it had been enough to determine me forthwith to an implacable hatred of kings and courts for ever.

* Dr. ANDREWS, Bishop of *Winchester*, and Dr. NEAL, Bishop of *Durham*. The story is well known.

Dr. MORE.

It must be owned the provocation was very gross, and the offence taken at it no more than a symptom of a generous and manly virtue.

Mr. WALLER.

It left a deep impression on my mind, yet it did not hinder me from appearing at court in the first years of the following reign, when the vanity of a thoughtless muse, rather than any relaxation of my ancient manners, drew from me again some occasional panegyrics on greatness, which being presented in verse, I thought would hardly be suspected of flattery.

Dr. MORE.

This indulgence of a *thoughtless muse* (as you call it) was not without its danger. I am afraid this must pass for the first instance of your sacrificing to INSINCERITY.

Mr. WALLER.

Your fears are too hasty. This was still a trial of my wit: and after a few wanton circles, as it were to breath and exercise my muse, I drew her in from these amusements to a stricter manage and more severe discipline. The long interval of parliaments now followed; and in this suspension of business I applied myself to every virtuous pursuit that could be likely to improve my mind,

mind, or purify my morals. Believe me, I cannot to this day without rapture reflect on the golden hours, that passed in that accomplished society, which the names of FALCKLAND, HYDE, and CHILLINGWORTH, consecrated as the very sanctuary of science and honour. And for my more retired amusements at *Beaconsfield*, you will judge of the good account I might render of these, when I add, they were constantly shared with that great prelate who now with so much dignity presides in the throne of *Winchester* *.

Dr. MORE.

This enthusiasm of your's is catching, and raises in me an incredible impatience to come at the triumphs of a virtue, trained and perfected in her best school, the conversation of heroes and sages.

Mr. WALLER.

You shall hear. The jealousies that had alarmed the nation for twelve years were now to have a vent given them by the call of the parliament in *April 1640*. As the occasion on which it met was most interesting, the assembly itself was the most august that perhaps ever deliberated on public counsels. There was a glow of honour,

* Dr. GEORGE MORLEY. The writer of *Mr. Waller's life*, who seems to have had his accounts from good hands, I perceive, has taken notice of these particulars which do so much honour to his character.

of liberty, and of virtue in all hearts, in all faces : And yet this fire was tempered with so composed a wisdom, and so sedate a courage, that it seemed a synod of heroes ; and, as some would then say of us, could only be matched by a senate of old *Rome* in its age of highest glory. To this parliament I had the honour to be deputed, whither I went with high erected thoughts, and a heart panting for fame and the true service of my country. The dissolution, which so unhappily followed, served only to increase this ardour. So that on our next meeting in *November*, I went freely and warmly into the measures of those who were supposed to mean the best. I voted, I spoke, I impeached*. In a word, I gave a free scope to those generous thoughts and purposes which had been collecting for so many years, and was in the foremost rank of those whose pulse beat highest for liberty, and who were most active for the interest of the public.

Dr. MORE.

This was indeed a triumph, the very memory of which warms you to this moment. So bright a flame was not easily to be extinguished.

Mr. WALLER.

It continued for some time in all its vigour. High as my notions were of public liberty,

* This alludes to the impeachment of Mr. Justice CRAWLEY, July 6, 1641, for his extrajudicial opinion in the affair of *Ship-money*. Mr. Waller's speech on this occasion is extant amongst his works.

did

they did not transport [me with that zeal which prevailed on so many others, to act against the just prerogative of the crown, and the ancient constitution. I owe it to the conversation and influence of the excellent society, before mentioned, that neither the spirit, the sense, nor, what is more, the relationship and intimate acquaintance of Mr. *Hampden**, could ever bias me to his deeper designs, or any irreverence of the unhappy king's person. Many things concurred to preserve me in this due mean. The violent tendencies of many counsels on the parliament's side; many gracious and important compliances on the king's; the great examples of some who had most authority with good men; and lastly, my own temper, which, in its highest fervours, always inclined to moderation; these and other circumstances kept me from the excesses on either hand which so few were able to avoid in that scene of public confusion.

Dr. MORE.

This moderation carries with it all the marks of a real and confirmed virtue.

Mr. WALLER.

I rather expected you would have considered it as another *sacrifice to Insincerity*. Such I remember was the language of many at that time. The enthusiasts on both sides agreed to stigma-

* The famous Mr. *Hampden* was his uncle.

tize this temper with the name of *Neutrality*. Yet this treatment did not prevent me, when the war broke out, from taking a course which I easily foresaw would tend to increase such suspicions: for now, to open a fresh scene to you, I had assumed, if not new principles, yet new notions of the manner in which good policy required me to exert my old ones. The general virtue, or what had the appearance of it at least, had hitherto made plain dealing an easy and convenient conduct. But things were now changed. The minds of all men were on fire: deep designs were laid, and no practice stuck at that might be proper to advance the execution. In this situation of affairs what could simple honesty do but defeat the purpose and endanger the safety of its master? I now first began to reflect that this was a virtue for other times: at least, that not to qualify it, in some sort, was, at such a juncture not honesty, but imprudence: and when I had once fallen into this train of thinking, it is wonderful how many things occurred to me to justify and recommend it. The humour of acting always on one principle was, I said to myself, like that of sailing with one wind: whereas the expert mariner wins his way by plying in all directions, as occasions serve, and making the best of all weathers. Then I considered with myself the bad policy, in such a conjuncture, of *Cato* and *Brutus*, and easily approved in my own mind the more pliant and conciliating method of *Cicero*. Those
stoics,

stoics, thought I, ruined themselves [and their cause by a too obstinate adherence to their system. The liberal and more enlarged conduct of the academic, who took advantage of all winds that blew in that time of civil dissension, had a chance, at least, for doing his country better service. Observation, as well as books, furnished me with these reflections. I perceived with what difficulty the Lord FALKLAND's rigid principles, had suffered him to accept an office of the greatest consequence to the public safety *: and I understood to what an extreme his excessive scruples had carried him in the discharge of it †. This, con-

* That of *Secretary of State*. The Lord Clarendon tells us it was with the utmost difficulty he persuaded him to accept it. "There were two considerations (says the historian) that made most impression on him; the *one*, lest the world should believe that his own ambition had procured this promotion, and that he had therefore appeared signally in the house to oppose those proceedings, that he might thereby render himself gracious to the court: The *other*, lest the King should expect such a submission and resignation of himself and his own reason and judgment to his commands, as he should never give or pretend to give; for he was so severe an adorer of truth, that he would as easily have given himself leave to steal as to dissemble," &c. B. iv.

† The noble historian, before cited, very luckily also explains this particular, by giving us two instances of Lord Falkland's scrupulosity. The *one* was, "That he could never bring himself to employ spies, or give any countenance or entertainment to them:" The other, "That he could never allow himself the liberty of opening letters, upon a suspicion that they might contain matter of dangerous consequence." B. viii.

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cluded I, can never be the office of virtue in such a world, and in such a period. And then that of the poet so skilled in the knowledge of life, occurred to me,

-----aut virtus nomen inane est,

Aut decus et pretium recte petit EXPERIENS vir ;

that is, as I explained it, “ The man of a ready and dextrous turn in affairs ; one who knows how to take advantage of all circumstances, and is not restrained by his bigotry from varying his conduct, as occasions serve, and making, as it were, *experiments* in business.”

Dr. MORE.

You poets, I suppose, have an exclusive right to explain one another ; or these words might seem to bear a more natural interpretation.

Mr. WALLER.

You will understand from this account, which I have opened so particularly to you, on what reasons I was induced to alter my plan, or rather to pursue it with those arts of prudence and address, which the turn of the times had now rendered necessary. The conclusion was, I resolved to pursue steadily the king's, which at the same time was manifestly the nation's interest, and yet to keep fair with the parliament, and the managers on that side ; for this appeared the likeliest way of doing him
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real service. And yet some officious scruples which forced themselves upon me at first, had like to have fixed me in other measures. In the stream of those who chose to desert the houses rather than share in the violent counsels that prevailed in them, the general disgust had, also, carried me to withdraw myself. But this was a start of zeal which was soon over. I presently saw, and found means to satisfy the king, that it would be more for his service that I should return to the parliament. I therefore resumed my seat and took leave, (to say the truth, it was not denied me by the house, who had their own ends to serve by this indulgence *) to reason and debate in all points with great freedom. At the same time my affections to the common interest were not suspected; for having no connection † with the

* To the same purpose my Lord *Clarendon*. "He [Mr. *W.*] spoke, upon all occasions, with great sharpness and freedom; which (now there were so few that used it, and there was no danger of being over-voted) was not restrained; and therefore used as an argument against those, who were gone upon pretence, that they were not suffered to declare their opinion freely in the house; which could not be believed, when all men knew what liberty Mr. *Waller* took, and spoke every day with impunity, against the sense and proceedings of the house." B. vii.

† This seems contradicted by Lord *Clarendon*, who says of him, that at this time he had "intimacy and friendship with some persons of nearness about the king." *ib.* But perhaps by *no connection* he may only mean, that he was not engaged in the service of the court by any place of honour and preferment.

court,

court, nobody thought of charging me with private views ; and not forgetting, besides, to cultivate a good understanding with the persons of chief credit in the house, the plainness I used, could only be taken for what it was, an honest and parliamentary liberty. This situation was for a time very favourable to me, for the king's friends regarded me as the champion of their cause ; whilst the prudence of my carriage towards the leading members secured me, in a good degree, from their jealousy.

Dr. MORE.

Your policy, I observe, had now taken a more refined turn. The juncture of affairs might possibly justify this address : but the ground you stood upon was slippery ; and I own myself alarmed at what may be the consequence of this solicitous pursuit of popularity.

Mr. WALLER.

No exception, I think, can be fairly taken at the methods by which I pursued it. However, this *popularity* it was, as you rightly divine, which drew upon me all the mischiefs that followed. For the application of all men disposed to the king's service, was now made to me. I had an opportunity by this means of knowing the characters and views of particular persons, and of getting an insight into the true state of the king's affairs. And these advantages, in the end, drove
me

me on the project, which, on the discovery, came to be called my *Plot*: an event, which, with all its particulars, you understand too well to need any information from me about it.

Dr. MORE.

The story, as it was noised abroad, I am no stranger to: but this being one of those occasions, as they say, in which both your policy and virtue were put to the sharpest trial, it would be much to the purpose you have in view by this recital to favour me with your own account of it.

Mr. WALLER.

To lead you through all particulars would not suit with the brevity you require of me. But something I will say to obviate the misconceptions you may possibly have entertained of this business*. For the plot itself, the utmost of my design was only to form such a combination amongst the honest and well affected of all sorts, as might have weight enough to incline the houses to a peace, and prevent the miseries that were too certainly to be apprehended from a civil war. It was never in my thoughts to surprize the parlia-

* The reader, I doubt not, will be curious, as I was, to see Mr. *Waller's* own account of this famous plot. On comparing it with the Lord *Clarendon's* relation, I find it agree so exactly in all points of moment, (though Mr. *Waller* softens and palliates the most obnoxious of them) that this coincidence must needs be thought a great confirmation of the credit of that noble historian.

ment or city by force, or engage the army in the support and execution of my purpose. But my design in this affair, though the fury of my enemies and the fatal jealousy of the time would not suffer it to be rightly understood, is not that which my friends resented, and which most men were disposed to blame in me. It was my behaviour afterwards, and the obliquity of some means, which I found expedient to my own safety, that exposed me to so rude a storm of censure. It continues, I know, to beat upon me even at this distance. But the injustice hath arisen from the force of vulgar prejudices, and the want of entering into those enlarged principles, on which it was necessary for me to proceed in that juncture.

Dr. MORE.

Yet the ill success of this plot itself might have shewn you, what the design of acting on these *enlarged principles* was likely to come to. It was an unlucky experiment this, you had made in the *new* arts of living, and should have been a warning to you, not to proceed in a path, which, at the very entrance of it, had involved you in such difficulties.

Mr. WALLER.

No, it was not the new path, you object to me, but the good old road of Sincerity which misled me into those brambles. I, in the simplicity of my heart, thought it my duty to adhere

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to the injured king's cause, and believed my continuance in parliament the fairest, as well as the likeliest method, that could be taken to support it. Had I temporized so far, as either to desert my prince, and strike in with the parliament, or, on the other hand, had left the house and gone with the seceders to *Oxford*, either way I had been secure. But resolving, as I did, to hold my principles, and follow my judgment, I fell into those unhappy circumstances from which all the dexterity, I afterwards assumed, was little enough to deliver me.

Dr. MORE.

But if your intentions were so pure, and the methods by which you resolved to prosecute them, so unexceptionable, how happened it that any plot could be worked up of so much danger to your life and person ?

Mr. WALLER.

This was the very thing I was going to explain to you. My intentions towards the parliament were fair and honourable : as I retained my seat there, I could not allow myself in the use of any but parliamentary methods to promote the cause I had undertaken. And this, as I said, was the whole purpose of the *combination* which was made the pretence to ruin me : for my unhappy project of a reconciliation, was so inextricably confounded with another of more

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dangerous tendency, the *commission of array*, sent at that time from *Oxford*, that nothing, I presently saw, could possibly disentangle so perplexed a business, or defeat the malice of my enemies, if I attempted, in the ordinary and more direct way, to stand on my defence. Presumptions, if not proofs, they had in abundance: the consternation of all men was great; their rage unrelenting; and the general enthusiasm of the time outrageous. Consider all this, and see what chance there was for escaping their injustice, if I had restrained myself to the sole use of those means, which you men of the cloyster magnify so much, under I know not what names of *Sincerity* and *Honour*. And indeed this late experience, of what was to be expected from the way of plain-dealing, had determined me, henceforth, to take a different route, and, since I had drawn these mischiefs on myself by *Sincerity*, to try what a little management could do towards bringing me out of them.

Dr. MORE.

It was not, I perceive, without cause, that the subtlety you had begun to have recourse to, filled me with apprehensions. Sincerity and Honour are plain things, and hold no acquaintance with this ingenious casuistry.

Mr. WALLER.

What, not in such a situation? It should seem as if you moralists conceived a man owed nothing

thing to himself: that *self-preservation* was not what God and Nature have made it, the first and most binding of all laws: that a man's family, not to say his country, have no interest in the life of an innocent and deserving citizen: and, to say all in one word, that *prudence*, though you give the name a place among your *cardinal virtues*, is in fact, and in matters of the highest importance, no virtue at all. All this must be concluded before you reject, as unlawful, the means I was forced upon, at this season, for my defence: means, I presume to say, so happily imagined, and as my very enemies will own, executed with so much address, that I cannot to this day reflect on my conduct in that affair without complacency.

Dr. MORE.

Yet it had some consequences which a man of your generosity would a little startle at.—

Mr. WALLER.

I understand you: my friends—but I shall answer that objection in its place.

Let me at present go on with the particulars of my defence. The occasion, as you see, was distressful to the last degree. To deny or defend myself from the charge was a thing impossible. What remained then but to confess it, and in so frank and ample a manner as might bespeak the pity, or engage the protection of my accusers.

I resolved to say nothing but the *truth*; and if ever the *whole* truth may be spoken, it is when so alarming an occasion calls for it. Besides, what had others, who might be affected by the discovery, to complain of? I disclaimed no part of the guilt myself: nor could any confession be made, that did not first and chiefly affect me. And if I, who was principal in the contrivance, had the best chance for escaping by such confession, what had they, who were only accomplices, to apprehend from it? Add to this, that the number and credit of the persons, who were charged with having a share in the design, were, of all others, the likeliest considerations to prevail with the houses to drop the further prosecution of it.

Well, the discovery had great effects. But there was no stopping here. Penitence, as well as confession, is expected from a sinner. I had to do with hypocrites of the worst sort. What fairer weapons then, than hypocrisy and dissimulation? I counterfeited the strongest remorse, and with a life and spirit that disposed all men to believe, and most, to pity me. My trial was put off in very compassion to my disorder, which in appearance was so great, that some suspected my understanding had been affected by it. In this contrivance I had two views; to gain time for my defence, and to keep it off till the rage and fury of my prosecutors was abated. In this interval indeed some of my accomplices suffered.

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But how was it possible for me to apprehend that, when, if any, I myself might expect to have fallen the first victim of their resentment.

Dr. MORE.

If this apology satisfy yourself, I need not interrupt your story with any exceptions.

Mr. WALLER.

It was, in truth, the only thing which afflicted me in the course of this whole business. But time and reflection have reconciled me to what was, in some sense, occasioned, but certainly not intended, by me. And it would be a strange morality that should charge a man with the undesigned consequences of his own actions.

Dr. MORE.

And were all the symptoms of a disturbed mind, you made a shew of, then entirely counterfeit?

Mr. WALLER.

As certainly as those of the Roman *Brutus*, who, to tell you the truth, was my example on that occasion. It was the business of both of us to elude the malice of our enemies, and reserve ourselves for the future service of our respective countries.

But all I have told you was only a prelude to a farther, and still more necessary act of dissimulation.

lation. Had the house been left to itself, it might possibly have absolved me on the merits of so large a confession, and so lively a repentance. But I had to do with another class of men, with holy inquisitors of sordid minds, and four spirits, priestly reformers, whose sense was noise and religion fanaticism, and that too fermented with the leaven of earthly avarice and ambition. These had a great influence both within doors and without, and would regard what had hitherto passed as nothing, if I went not much farther. To these, having begun in so good a train, I was now to address myself. I had studied their humours, and understood to a tittle the arts that were most proper to gain them. The first step to the countenance and good liking of these restorers of primitive parity was, I well knew, the most implicit subjection both of will and understanding. I magnified their gifts, I revered their sanctity: I debased myself with all imaginable humility: I extolled them with the grossest flattery. Having thus succeeded to my wish in drawing the principal of these saints around me, I advanced farther: I sought their instruction, solicited their advice, and importuned their ghostly consolation. This brought me into high favour: they regarded me as one who wished and deserved to be enlightened: they strove which should impart most of their lights and revelations to me. I besought them to expound, and pray, and preach before me; nay I even

even preached, and prayed, and expounded before them. I out-canted the best-gifted of them; and out-railed the bitterest of all their decriers of an anti-christian prelacy. In short, it would have moved your laughter or spleen to observe, how submissively I demeaned myself to these spiritual fathers; how I hung on their words, echoed their coarse sayings, and mimicked their beggarly tones and grimaces. To complete the farce, I intreated their acceptance of such returns for their godly instructions, as fortune had enabled me to make them. I prevailed with them to give leave that so unworthy a person might be the instrument of conveying earthly accommodations to these dispensers of heavenly treasures; and it surpasses all belief with what an avidity they devoured them! It is true this last was a serious consideration; in all other respects the whole was a perfect comedy, and of so ridiculous a cast, that, though my situation gave me power of face to carry it off gravely then, I have never reflected on it since without laughter.

Dr. MORE.

Truly, as you describe it, it was no serious scene. But what I admire most is, the dexterity of your genius, and the prodigious progress you had now made in your favourite arts of *accommodation*.

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Mr. WALLER.

Necessity is the best master. Besides, can you blame me for taking more than common pains to outdo these miscreants in their own way; I might say, to excel in an art which surpasses, or at least comprizes in it, the essence of all true wisdom? The precept of your admired *Antoninus*, as you reminded me to day, is, SIMPLIFY YOURSELF*. That, I think, was the quaint expression. It had shewn his reach and mastery in the trade he professed much more, if, instead of it, he had preached up, ACCOMMODATE YOURSELF, the grand secret, as long experience has taught me, *bene beatique vivendi*.

All matters thus prepared, there was now no hazard in playing my last game. I requested and obtained leave to make my defence before the parliament. I had acquired a knack in speaking, and had drawn on myself more credit, than fine words deserve, by a scenical and specious eloquence. If ever I acquitted myself to my wish, it was on this occasion. I soothed, I flattered, I alarmed: every topic of art, which my youth had learned, every subject of address which experience had suggested, every trick and artifice of popular adulation was exhausted. All men

* *Ἀπλῶς σεαυτόν. Iiv. 526.* which Dr. More, in the chapter of his *Enchiridion* referred to above, translates, *simplify te:psum*.

were

were prepared by the practices of my faintly emissaries to hear me with favour; and, which is the first and last advantage of a speaker, to believe me seriously and conscientiously affected.

In the end I triumphed, and for a moderate fine obtained leave to shelter myself from the storm which followed, and which almost desolated this unhappy country, by retiring into an exile at that time more desirable than any employment of those I left behind me.

Dr. MORE.

You retired, I think, to France, whither, no doubt, you carried with you all those generous thoughts and consolatory reflections, which refresh the spirit of a good man under a consciousness of suffering virtue.

Mr. WALLER.

Why not, if *prudence* be a virtue? for what but certain prudential regards (which in common language and common sense are quite another thing from vicious compliances) have hitherto, as you have seen, appeared in my conduct? But be they what they will, they had a very natural effect, and one which will always attend on so reasonable a way of proceeding. For, since you press me so much, I shall take leave to suggest an observation to you, more obvious as well as more candid than any you seem inclined to make on the circumstances of this long relation. It is,
“ that

Mr. WALLER.

I expected this ; but the occasion, as I said, might have suggested a fairer interpretation. And why impute as a fault to me, what the reverend SPRAT, and DRYDEN himself, did not disdain to consecrate by their examples. Besides, as an argument of the unfulfilled purity of my intention, you might remember, methinks, that I asked no recompence, and accepted none, for the willing honours my muse paid him.

Dr. MORE.

It must be a sordid muse indeed, that submits to a venal prostitution. And, to do your profession justice, it is not so much avarice, or even ambition, as a certain gentler passion, the vanity, shall I call it, of being well with the *great*, that is so fatal to you poets.

Mr. WALLER.

I can allow for the satyr of this reproof, in a man of ancient and bookish manners. But, to shew my disinterestedness still more, you may recollect, if you please, that I embalmed his memory, when neither his favour nor his smile were to be apprehended.

Dr. MORE.

In the short reign of his son.—But what then, you made amends for all, by the congratulation
on

on the happy return of his majesty. You know who it was that some body complimented in these lines* :

“He best can turn, enforce and soften things,

“To praise great conquerors and flatter kings.”

Mr. WALLER.

Was it for me to stem the torrent of a nation's joys by a froward and unseasonable silence? Did not *Horace*, who fought at *Philippi*, do as much for *Augustus*? And should I, who had suffered for his cause, not embrace the goodness, and salute the returning fortunes of so good, so accomplished a master? His majesty himself, as I truly say of him, in the poem you object to me,

——— “with wisdom fraught,

“Not such as books, but such as practice
(taught,”

did me the justice to understand my address after another manner. He, who had so often been forced by the necessities of his affairs to make compliances with the time, never resented it from me, a private man and a poet, that I had made some sacrifices of a like nature. All this might convince you of the great truth I meant to inculcate by this long recital, that not a fullen and

* I have not been able to find out from whom those verses are taken, though, from the familiar manner in which they are quoted, it should seem that the author was well known at that time.

inflexible *Sincerity*, but a fair and seasonable *accommodation of one's self*, to the various exigencies of the times, is the golden virtue that ought to predominate in a man of life and business. All the rest, believe me, is the very cant of philosophy, and unexperienced wisdom.

Dr. MORE.

Wisdom!—and must the sanctity of that name—

Mr. WALLER.

Hear me, sir—No exclamations against the evidence of plain fact. I have a right to expect another conduct from him who is grown grey in the studies of moral science.

Dr. MORE.

You learned another lesson in the school of FALKLAND, HYDE, and CHILLINGWORTH.

Mr. WALLER.

Yes, one I was obliged to unlearn. But since you remind me of that school, what was the effect of adhering pertinaciously to its false maxims? To what purpose were the lives of *two* of them prodigally thrown away; and the honour, the wisdom, the talents of the *other*, left to languish in banishment and obscurity?

Dr. MORE.

O! prophane not the glories of immortal, though successful virtue, with such reproaches.
—Those

—Those adored names shall preach honour to future ages, and enthrone the majesty of virtue in the hearts of men, when wit, and parts, and eloquence, and poetry, have not a leaf of all their withered bays to recommend them *.

Mr. WALLER.

Raptures and Chimæras—Rather judge of the sentiments of future ages from the present. Where is the man, I speak it without boasting,

* I was, I confess, a little scandalized with the acrimony, and even passion, which Dr. *More* expresses in the close of this conversation. It neither agreed, I thought, with the calmness of the speaker's character, nor the decorum of a philosophical dialogue. On hinting these scruples to a learned friend, he observed to me, that the nature of this philosopher was, in truth, very irritable; and to confirm it, referred me to the following unaccountable passage in the *Enchiridion*, from which the candid reader will collect with what justice the charge of enthusiasm hath so often been brought against him by Mr. *Waller*.

“Ea est virtutis ratio, ut amet quæ optima sunt, et à pessimis abhorreat. Estque perfectissimus vitæ status bonum amare, malum autem horrore aut indignatione excipere, ubicunque emicuerit. Hoc enim arguit inferiorem animæ partem in consensum rapi à superiori, totumque hominem igneis quasi affectuum quadrigis, *Eliæ* instar, usque ad cælum deumque vehi.

Quodsi quis, sub prætextu nescio cujus affectatæ animi tranquillitatis, prudentiæ, pacifve studii tolerare posset, sine omni animi commotione, quod turpiter commissum est contra communia humani generis jura et æternas virtutis leges, cum tamen privatâ quâvis injuriâ, in seipsum immissâ, satis uri et commoveri soleat, insigne certè hoc esset specimen *Hypocri-seos*, quæ non tam ridenda esset, quam ab omnibus mortalibus execranda.” *Eth. Ench. l. i. c. 6.*

that

that enjoys a fairer fame ; who is better received in all places ; who is more listened to in all companies ; who reaps the fruits of a reasonable and practicable virtue in every return of honour, more unquestionably, than he whose life and principles your outrageous virtue leads you to undervalue so unworthily ? And take it from me as an oracle, which long age and experience enable me to deliver with all assurance, “ Whoever in succeeding times shall form himself on the plan here given, shall meet with the safety, credit, applause, and, if he chuses, honour and fortune in the world, which may be promised indeed, but never will be obtained by any other method *.”

Dr. MORE.

You have spoken. But hear me now, I conjure you. Whilst a poor despised philosopher —

* It is certain many wise men have acted on this plan ; but none more successfully than the famous *Marquis of WINCHESTER*, *Elizabeth's* lord treasurer ; “ who having served *four* princes, in various and changeable times, and being grown into high favour with the *last*, was questioned by an intimate friend of his, how he had stood up for thirty years together, amidst the change and ruins of so many chancellors and great personages ;” his reply was brief and oracular, and very consonant with the wise apothegm, here delivered by *Mr. Waller* : “ *ORTUS SUM E SALICE, NON E QUERCU.*” Which may deserve hereafter to be taken for the motto of every great statesman. See *SIR ROBERT NAUNTON'S Fragmenta Regalia*, p. 77.

Dr.

Mr. WALLER.

O! I have marked the emotion this discourse of mine hath awakened in you. I have seen your impatience: I have watched your eyes when they sparkled defiance and contradiction to my argument. But your warmth makes you forget yourself. I gave a patient hearing to all your eloquence could suggest in this cause. I even favoured your zeal, and helped to blow up your enthusiasm. The rest fell to my turn; and besides, the evening, as you see, shuts in upon us. Let us escape, at least, from these dews into a warm apartment within doors; and then I shall not be averse, especially when you have taken a few minutes to recollect yourself, to debate with you what further remains upon this argument.

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DIA.

DIALOGUE II.
ON
RETIREMENT.

BETWEEN
Mr. ABRAHAM COWLEY,

AND
The Rev. Mr. THOMAS SPRAT.

Related in a Letter to the Right Honourable
the Earl of St. ALBANS.

“ Le meilleur de tous les biens, s'il y a des biens, c'est le repos, la retraite, et un endroit qui soit son domaine.”

M. DE LA BRUYERE.

“ Loquor de docto homine et erudito, cui vivere est cogitare.”

CICERO.

MIHI quidem **VITA AULICA** usquequaque cordi non est. Notæ mihi ejus ærumnæ. Falso splendore multæ ejus miseriæ obtenduntur. Fuci in eâ multum, candoris parum est. Nulla est aula quæ vacat invidiâ, in quâ non desideretur amicitiae fides, ubi voluntatum mutatio et subita ruina metuenda non sit. **AULA** vera bona non novit nisi sero. Umbris, famâ, specie, fallaciis, errore populari ducitur. Ut eos fortunatos dicere non dubitem, quibus illa cito et cum parvo incommodo defungi datum sit. Optabile est **SIBI** posse vivere et **MUSIS**; et cum paucis et non fallacibus amicis in **AGELLI** **ANGULO** consenescere. **AUT NULLA EST IN HOC TERRESTRI EXILIO, AUT EA DEMUM VERA VITA EST.**

To the Earl of ST. ALBANS*.

MY LORD,

THE duty I owe your LORDSHIP, as well as my friendship for Mr. COWLEY, determined me to lose no time in executing the commission you was pleased to charge me with by Mr. D****. I went early the next morning to BARN-ELMS; intending to pass the whole day with him; and to try if what I might be able to suggest on the occasion, together with the weight of your lordship's advice, could not divert him from his strange project of *Retirement*. Your lordship, no doubt, as all his other friends, had observed his bias that way to be very strong; but who that knew his great sense, could have thought

* I find no mention of this letter, or of the commission sent by the Lord ST. ALBANS to Mr. SPRAT, to reclaim his friend from his passion for solitude, in the account of Mr. Cowley's life: unless it be glanced at in these words: "In his long dependence on my Lord St. Albans, there never happened any manner of difference between them; except a little at LAST, because he would leave his service:" For himself (Dr. Sprat) owns, "If any thing ought to have been changed in Mr. Cowley's temper and disposition, it was his earnest affection for *Obscurity and Retirement*."

of its carrying him to so extravagant a resolution? For my own part, I suspected it so little, that, though he would often talk of retiring, and especially since your lordship's late favour to him *, I considered it only as the usual language of poets, which they take up one after another, and love to indulge in, as what they suppose becomes their family and profession. It could never come into my thoughts, that one who knew the world so well as Mr. *Cowley*, and had lived so long in it, who had so fair hopes and so noble a patron, could seriously think of quitting the scene at his years, and all for so fantastic a purpose as that of growing old in the corner of a country village.

These, my lord, were my sentiments, when your friendly message alarmed me with the apprehension of there being more in the matter than I had suspected. Yet still I considered it only as a hasty thought, which a fit of the spleen, or of the muse, it may be, had raised; and which the free remonstrance of a friend would easily disperse, or prevent at least from coming to any fixed and settled resolution. But how shall I express to your lordship the surprize I was in to find that this resolution was not only taken, but rooted so deeply in him, that no arguments, nor

* He means the estate he obtained by means of the Lord *St. Albans*. This particular is often attended to in the course of the Dialogue.

even your lordship's authority, could shake it? I have ever admired Mr. *Cowley*, as a man of the happiest temper and truest judgment; but, to say the least, there was something so particular, I had almost said perverse, in what he had to allege for himself on this occasion, that I cannot think I acquit myself to your lordship, without laying before you the whole of this extraordinary conversation; and, as far as my recollection will serve, in the very words in which it passed betwixt us.

I went *, as I told your lordship, pretty early to BARN-ELMS; but my friend had gotten the start of me by some hours. He was busying himself with some improvements of his garden, and the fields that lie about his house. These together make up his *intended* purchase; for your lordship's information was premature; as yet, he

* It seems pretty difficult to fix the time of this conversation with any certainty. The probability, in laying all circumstances together, is, that it was in the spring, or rather early in the summer of the year 1661. It cannot be *earlier*, unless we suppose, what is very unlikely, and indeed contrary to Mr. *Cowley's* declaration in this dialogue, that he left the court immediately on the *Restoration*; nor *later*, if what his historian says be any thing near the truth; for he tells us, that he spent *his last seven or eight years in his beloved obscurity*. [*Dr. Sprat's Life of Mr. A. Cowley, Fol. Lond. 1668.*] But he died in *July 1667*.—The *season* of the year is early collected from several hints which occur in the course of the conversation.

has only artided for a *lease* of three years *. The whole circuit of his domain was not so large, but that I presently came up with him. “My dear friend, said he, embracing me, but with a look of some reserve and disgust, and is it you then I have the happiness to see at length in my new settlement? Though I fled hither from the rest of the world, I had no design to get out of the reach of my friends. And to be plain with you, I took it a little amiss from one whose entire affection I had reckoned upon, that he should leave me to myself for this whole two months, without discovering an inclination, either from friendship or curiosity, to know how this retirement agreed with me. What could induce my best friend to use me so unkindly?” Surely, said I, you forget the suddenness of your flight, and the secrecy with which the resolution was taken: We supposed you gone only for a few days, to see to the management of your affairs, and could not dream of your *rusticating* thus long, at a time when the town and court are so busy; when the occasions of your friends and your own interests seemed to require your speedy return to us. However, continued I, it doth not displease me to

* This particular is not mentioned in his *Life* by Dr. Sprat, which, though it be finely written, is not so circumstantial as were to be wished in the detail of his history. It was, I suppose, at the expiration of this term of three years, that, not finding the place agree with his health, he removed to his farm at *Chertsey*, where he died 1667.—The curious reader loves to see these nicer chronologies well adjusted.

find you so dissatisfied with this solitude. It looks as if the short experience you have had of this reclusive life, did not recommend it to you in the manner you expected. Retirement is a fine thing in imagination; and is apt to possess you poets with strange visions. But the charm is rarely lasting; and a short trial, I find, hath served to correct these fancies. You feel yourself born for society and the world, and, by your kind complaints of your friend, confess how unnatural it is to deny yourself the proper delights of a man, the delights of conversation.

Not so fast, interrupted he, if you please, in your conclusions about the nature of retirement. I never meant to give up my right in the affections of those few I call my friends. But what has this to do with the general purpose of retreating from the anxieties of business, the intrigues of policy, or the impertinencies of conversation? I have lived but too long in a ceaseless round of these follies. The best part of my time hath been spent *sub dio*. I have served in all weathers, and in all climates, but chiefly in the torrid zone of politics, where the passions of all men are on fire, and where such as have lived the longest, and are thought the happiest, are scarcely able to reconcile themselves to the sultry air of the place. But this warfare is now happily at an end. I have languished these many years for the shade. Thanks to my Lord *St. Albans*, and another noble lord
you

you know of, I have now gained it. And it is not a small matter, I assure you, shall force me out of this shelter.

Nothing is easier, said I, than for you men of wit to throw a ridicule upon any thing. It is but applying a quaint figure, or a well-turned sentence *, and the business is done. But indeed,

* It may seem strange to hear Mr. Cowley's friend declare himself so roundly against *well-turned sentences*, when, as one hath observed, all his own merit "was comprized in the well rounding a period." [Pope's works 12mo. Vol. IV. p. 159. Lond. 1753] But I take this for a natural stroke of character. Nothing is more common, than for such writers not to know, or to affect to undervalue, their own proper merits. And such, it seems, was his language on other occasions. "How many rewards (says he, in his famous *history of the R. Society*) which are due to more profitable and difficult arts, have been still snatched away by the *easy vanity of fine speaking*? For now I am warmed with this just anger, I cannot withhold myself from betraying the shallowness of all these seeming mysteries, upon which we writers and speakers look so big. And in few words, I dare say, that, of all the studies of men, nothing may be sooner obtained, than this *vicious abundance of phrase, this trick of metaphors, this volubility of tongue*, which makes so great a noise in the world. But I spend words in vain"—[p. 112.] Nay, worse than so: he spends them to the utter ruin of his own reputation as a writer, should we take him at his word, and believe, (as after such a specimen of his *volubility* he scarcely supposed we could) that *this trick of phrase*, which was his *all*, hath indeed so slender a merit in it. His judicious friend, who thought otherwise, and knew him better, perceived where his strength lay, and hath accordingly made *this easy vanity of fine speaking*, the basis of that noble compliment which he paid him on his grand work.

my best friend, it gives me pain to find you not diverting only, but deceiving yourself with this unseasonable ingenuity. So long as these fallies of fancy were employed only to enliven conversation, or furnish matter for an ode or an epigram, all was very well. But now that you seem disposed to *act* upon them, you must excuse me if I take the matter a little more seriously. To deal plainly with you, I come to tell you my whole mind on this subject: and to give what I have to say the greater consequence with you, I must not conceal from you, that I come commissioned by the excellent lord you honour so much, and have just now mentioned, to expostulate in the freest manner with you upon it.

We had continued walking all this time, and were now ascending a sort of natural terras. It led to a small thicket, in the entrance of which

From all modern follies he
Has vindicated ELOQUENCE and WIT.
His CANDID STILE, like a clear stream, does glide,
And his bright fancy all the way
Does like the sun-shine in it PLAY;
It does, like *Thames*, the best of rivers, glide
Where the god does not rudely o'erturn,
But GENTLY pour the crystal urn, [GUIDE.
AND WITH JUDICIOUS HAND DOES THE WHOLE CURRENT
'T has all the BEAUTIES nature can impart,
And all the comely DRESS, without the paint of art.

We see the *friend* and the *panegyrist* in these charming lines; but through all the heightenings of *both*, we discern very clearly the historian's *true* character.

was

was a seat that commanded a pleasant view of the country, and the river. Taking me up to it, "Well, said he, my good friend, since your purpose in coming hither is so kind, and my Lord *St. Albans* himself doth me the honour to think my private concerns deserving his particular notice, it becomes me to receive your message with respect, and to debate the matter, since you press it so home upon me, with all possible calmness. But let us, if you please, sit down here. You will find it the most agreeable spot I have to treat you with; and the shade we have about us, will not, I suppose, at this hour be unwelcome."

And now, turning himself to me, "Let me hear from you, what there is in my retreat to this place, which a wise man can have reason to censure, or which may deserve the disallowance of a friend. I know you come prepared with every argument which men of the world have at any time employed against retirement; and I know your ability to give to each its full force. But look upon this scene before you, and tell me what inducements I can possibly have to quit it for any thing you can promise me in exchange? Is there in that vast labyrinth, you call the world, where so many thousands lose themselves in endless wandrings and perplexities, any corner where the mind can recollect itself so perfectly, where it can attend to its own business, and pursue its proper interests so conveniently, as in this quiet and sequestered spot? Here the passions subside, or,
if

if they continue to agitate, do not however transport the mind with those feverish and vexatious fervours, which distract us in public life. This is the seat of virtue and of reason; here I can fashion my life by the precepts of duty and conscience; and here I have leisure to make acquaintance, that acquaintance which elsewhere is so rarely, if ever, made, with the ways and works of God. Think again, my friend. Doth not the genius of the place seize you? Do you not perceive a certain serenity steal in upon you? Doth not the aspect of things around you, the very stillness of this retreat, infuse a content and satisfaction, which the world knows nothing of? Tell me, in a word, is there not something like enchantment about us? Do you not find your desires more composed, your purposes more pure, your thoughts more elevated, and more active, since your entrance into this scene?"

He was proceeding in this strain with an air of perfect enthusiasm, when I broke in upon him with asking, "Whether this was what he called *debating the matter calmly with me*? Surely, said I, this is poetry, or something still more extravagant. You cannot think I come prepared to encounter you in this way. I own myself no match for you at these weapons, which indeed are too fine for my handling, and very unsuitable to my purpose, if they were not. The point is not which of us can say the handsomest things, but the
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the truest, on either side of the question. It is, as you said, plain argument, and not rhetorical flourishes, much less poetical raptures, that must decide the matter in debate. Not but a great deal might be said on my side, and it may be, with more colour of truth, had I the command of an eloquence proper to set it off. I might ask, in my turn, "Where is the mighty charm that draws you to this inglorious solitude, from the duties of business and conversation, from the proper end and employment of man? How comes it to pass, that this stillness of a country landscape, this uninstrueting, though agreeable enough scene of fields and waters, should have greater beauty in your eye, than *flourishing peopled towns*, the scenes of industry and art, of public wealth and happiness? Is not the *sublime countenance* of man, so one of your acquaintance terms it, a more delightful object than any of these humble beauties that lie before us? And are not the human virtues, with all their train of lovely and beneficial effects in society, better worth contemplating, than the products of inanimate nature in the field or wood? Where should we seek for REASON, but in the minds of men tried and polished in the school of civil conversation? And where hath VIRTUE so much as a being out of the offices of social life? Look well into yourself, I might say: hath not indeed the proper genius of solitude affected you? Doth not I know not what of chagrin and discontent hang about you?

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Is there not a gloom upon your mind, which darkens your views of human nature, and damps those chearful thoughts and sprightly purposes, which friendship and society inspire ?

You see, sir, were I but disposed, and as able as you are, to pursue this way of fancy and declamation, I might conjure up as many frightful forms in these retired walks, as you have delightful ones. And the enchantment in good hands would, I am persuaded, have more the appearance of reality. But this is not the way in which I take upon myself to contend with you. I would hear, if you please, what reasons, that deserve to be so called, could determine you to so strange, and forgive me, if at present I am forced to think it, so unreasonable a project, as that of devoting your health and years to this monastic retirement. I would lay before you the arguments, which, I presume, should move you to quit a hasty, perhaps an unweighed resolution ; so improper in itself, so alarming to all your friends, so injurious to your own interest, and, permit me to say, to the public. I would enforce all this with the mild persuasions of a friend ; and with the wisdom, the authority of a great person, to whose opinion you owe a deference, and who deserves it too from the entire love and affection he bears you.

My dearest friend, replied he, with an earnestness that awed, and a goodness that melted me, I

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am not to learn the affection which either you or my noble friend bear me. I have had too many proofs of it from both to suffer me to doubt it. But why will you not allow me to judge of what is proper to constitute my own happiness? And why must I be denied the privilege of choosing for myself, in a matter where the different taste or humour of others makes them so unfit to prescribe to me? Yet I submit to these unequal terms; and if I cannot justify the choice I have made, even in the way of serious reason and argument, I promise to yield myself to your advice and authority. You have taken me perhaps a little unprepared and unfurnished for this conflict. I have not marshalled my forces in form, as you seem to have done; and it may be difficult, on the sudden, to methodize my thoughts in the manner you may possibly expect from me. But come, said he, I will do my best in this emergency. You will excuse the rapture which hurried me, at setting out, beyond the bounds which your severer temper requires. The subject always fires me; and I find it difficult, in entering on this argument, to restrain those triumphant fallies, which had better been reserved for the close of it.

Here he paused a little; and recollecting himself, "But first, resumed he, you will take notice, that I am not at all concerned in the general question, so much, and, I think, so vainly agitated,

tated, "*whether a life of retirement be preferable to one of action?*" I am not, I assure you, for unpeopling our cities, and sending their industrious and useful inhabitants into woods and cloysters. I acknowledge and admire the improvements of arts, the conveniencies of society, the policies of government *. I have no thought so mad or so silly, as that of wishing to see the tribes of mankind disbanded, their interests and connections dissolved, and themselves turned loose into a single and solitary existence. I would not even wish to see our courts deserted of their homagers, though I cannot but be of opinion, that an airing now and then at their country-houses, and that not with the view of diverting, but recollecting themselves, would prove as useful to their sense and virtue as to their estates. But all this, as I

* He is more reasonable here than in one of his *Essays*, where he says on this subject, "It is the great boast of eloquence and philosophy, that they first congregated men dispersed, united them into cities, and built up the houses and the walls of cities. I wish they could unravel all they had woven, that we might have our woods and our innocence again, instead of *our castles and our policies*." But this is the language of declamation. And in general, I think, we may observe, that though he is more lively and eloquent in his *Essays*, he explains his notions of life with more exactness and sobriety in this *Dialogue*. The reason may be, that in a debate with a friend, who is known to hold a contrary opinion, one is not so apt to indulge in these random flights as in *written Essays*, where there is no fear of instant contradiction. This shews the utility of *Dialogues*; which, when given from the life, as these are, must be of great authority, and of the highest use, to let us in to the true sentiments of the speakers.

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said,

said, is so far from coming into the scheme of my serious wishes, that it does not so much as enter into my thoughts. Let wealth, and power, and pleasure, be as eagerly sought after as they ever will be : let thousands or millions assemble in vast towns, for the sake of pursuing their several ends, as it may chance, of profit, vanity, or amusement. All this is nothing to me, who pretend not to determine for other men, but to vindicate my own choice of this retirement.

As much as I have been involved in the engagements of business, I have not lived thus long without looking frequently, and sometimes attentively, into myself. I maintain, then, that to a person so moulded as I am, of the *temper and turn of mind*, which nature hath given me ; of *the sort of talents*, with which education or genius hath furnished me ; and lastly, or the circumstances, in which fortune hath placed me ; I say, to a person so charactered and so situated, RETIREMENT is not only his choice, but his duty ; is not only what his inclination leads him to, but his judgment. And upon these grounds, if you will, I venture to undertake my own apology to you.

Your proposal, said I, is very fair, and I can have no objection to close with you upon these terms ; only you must take care, my friend, that you do not mistake or misrepresent your own talents or character ; a miscarriage, which, allow
me

me to say, is not very rare from the partialities which an indulged humour, too easily taken for nature, is apt to create in us.

Or what, replied he, if this humour, as you call it, be so rooted as to become a *second* nature; can it, in the instance before us, be worth the pains of correcting?

I should think so, returned I, in your case. But let me first hear the judgment you form of yourself, before I trouble you with that which I and your other friends make of you.

I cannot but think, resumed he, that my situation at present must appear very ridiculous. I am forced into an *apology* for my own conduct, in a very nice affair, which it might become another, rather than myself, to make for me. In order to this, I am constrained to reveal to you the very secrets, that is, the foibles and weaknesses of my own heart. I am to lay myself open and naked before you. This would be an unwelcome task to most men. But your friendship, and the confidence I have in your affection, prevail over all scruples. Hitherto your friend hath used the common privilege of wearing a disguise, of masking himself, as the poet makes his hero, in a *cloud*, which is of use to keep off the too near and curious inspection both of friends and enemies. But, at your bidding, it falls off, and you are

now to see him in his just proportion and true features.

My best friend, proceeded he with an air of earnestness and recollection, it is now above forty years that I have lived in this world; and in all the rational part of that time there hath not, I believe, a single day passed without an ardent longing for such a retreat from it, as you see me at length blessed with. You have heard me repeat some verses, which were made by me so early as the age of *thirteen*, and in which that inclination is expressed as strongly as in any thing I have ever said or written on that subject*. Hence you may guess the proper turn and bias of my nature; which began so soon, and hath continued thus long, to show itself in the constant workings of that passion. Even in my earliest years at school, you will hardly imagine how uneasy constraint of every kind was to me, and with what delight I broke away from the customary sports and pastimes of that age, to saunter the time away by myself, or with a companion, if I could meet with any such, of my own humour. The same inclination pursued me to college; where a private walk, with a book or friend, was beyond any amusement, which, in that sprightly season of life, I had any acquaintance with. It is with a

* These verses are inserted in one of his *Essays*, and in some editions of his works.

fond indulgence my memory even now returns to these past pleasures. It was in those retired ramblings that a thousand charming perceptions and bright ideas would stream in upon me. The muse was kindest in those hours : and I know not how, Philosophy herself would *oftner* meet me amidst the willows of the CAM, than in the formal schools of science, within the walls of my college, or in my tutor's chamber.

I understand, said I, the true secret of that matter. You had now contracted an intimacy with the poets, and others of the fanciful tribe. You was even admitted of their company ; and it was but fit you should adopt their fancies, and speak their language. Hence those day-dreams of *shade and silence*, and I know not what visions, which transport the minds of young men on their entrance into these regions of *Parnassus*.

It should seem then, returned he, by your way of expressing it, as if you thought this passion for *shade, and silence*, was only pretended to on a principle of *fashion* ; or at most, was caught by the lovers of poetry from each other, in the way of *sympathy*, without nature's having any hand at all in the production of it.

Something like that, I told him, was my real sentiment ; and that these agreeable reveries of the old poets had done much hurt by being ta-

ken too seriously. Were Horace and Virgil, think you, as much in earnest as you appear to be, when they were crying out perpetually on their favourite theme of *otium* and *secessus*, “they, who lived and died in a court?”

I believe, said he, they were, and that the short accounts we have of their lives shew it, though a perfect dismissal from the court was what they could not obtain, or had not the resolution to insist upon. But pray, upon your principles, that all this is but the enchantment of *example* or *fashion*, how came it to pass, that the first seducers of the family, the old poets themselves, had fallen into these notions? They were surely no pretenders. They could only write from the heart; and methinks it were more candid, as well as more reasonable, to account for this passion, which hath so constantly shewn itself in their successors, from the same reason. It is likely indeed, and so much I can readily allow, that the early reading of the poets might contribute something to confirm and strengthen my natural bias*. But let the matter rest for the present. I

* Mr. Cowley, as usual, is more exact and guarded in this apology than in his *Essays*; where he seems willing to admit all that his friend now charges upon him. “Perhaps, (says he, speaking of the poets) it was the immature and immoderate love of them, which stamp’d first, or rather engraved the characters in me: they were like letters cut in the bark of a young tree, which with the tree still grow proportionably.”
would

would now go on with the detail of my own life and experience, so proper, as I think, to convince you that what I am pleading for is the result of nature.

I was saying how agreeably my youth passed in these reveries, if you will have it so, and especially *inter sylvas academi*.

Dura sed emovere loco me tempora grato,
Civilisque rudem belli tulit æstus in arma.

You know the consequence. This civil turmoil drove me from the shelter of retirement into the heat and bustle of life; from those studies which, as you say, had enchanted my youth, into business and action of all sorts. I lived in the world; I conversed familiarly with the great. A change like this, one would suppose, were enough to undo the prejudices of education. But the very reverse happened. The farther I engaged, and the longer I continued in this scene, the greater my impatience was of retiring from it. But you will say, my old vice was nourished in me by living in the neighbourhood of books and letters*. I was yet in the fairy land of the Muses;

[*Essay on himself.*] — Unless you will suppose, that this concession was made for the sake of introducing so fine and classical a comparison.

* “When the civil war broke out, his [Mr. Cowley’s] affection to the king’s cause drew him to *Oxford*, as soon as it began to be the chief seat of the royal party.” [Dr. Sprat’s life of him.]

and, under these circumstances, it was no wonder that neither arms, nor business, nor a court, could prevent the mind from returning to its own bias. All this may be true. And yet, I think, if that court had contained many such persons as some I knew in it, neither the distractions of business on the one hand, nor the blandishments of the Muse on the other, could have disposed me to leave it. But there were few Lord FALKLANDS.—And unhappily my admiration of that nobleman's worth and honour *, created an invincible aversion to the rest, who had little resemblance of his virtues.

I would not be thought, said I, to detract from so accomplished a character as that of the lord FALKLAND; but surely there was something in his notions of honour —

Not a word, interrupted he eagerly, that may but seem to throw a shade on a virtue the brightest and purest that hath done honour to these later ages.—But I turn from a subject that interests me

* Dr. Sprat tells us in *his life*, “ That during his residence at Oxford, he had the entire friendship of my Lord Falkland, one of the principal secretaries of state. That affection was contracted by the agreement of their learning and manners. For you may remember, Sir, [addressing himself to Mr. M Clifford] we have often heard Mr Cowley admire him, not only for the profoundness of his knowledge, which was applauded by all the world, but more especially for those qualities which he himself more regarded, for *his generosity of mind, and his neglect of the vain pomp of human greatness.*

too much, and would lead me too far. Whatever attractions there might be in such a place, and in such *friendships*, the iniquity of the times soon forced me from them. Yet I had the less reason to complain, as my next remove was into the family of so beneficent a patron as the lord JERMYN, and into the court of so accomplished a princess, as the QUEEN MOTHER. My residence, you know, was now for many years in *France*; a country, which picques itself on all the refinements of civility, and pretends to make an art of its *savoir vivre*. Here the world was to appear to me in its fairest light. And conversation, it was not doubted, would put on all its charms to wean me from the love of a studious retired life. I will not say I was disappointed in this expectation. All that the elegance of polished manners could contribute to make society attractive, was to be found in this new scene. It was besides conspicuous and magnificent. All the paint and glitter of a court was shed on it. My situation was such, that I came to have a sort of familiarity with greatness. Yet shall I confess my inmost sentiments of this gilded life to you? I found it empty, fallacious, and even disgusting. The outside indeed was fair. But to me, who had an opportunity of looking it through, nothing could be more deformed and hateful. All was ambition, intrigue, and falsehood. Every one intent on his own schemes, frequently wicked, always base and selfish. Great professions of honour,

nour, of friendship, and of duty ; but all ending in low views and sordid practices. No truth, no sincerity * ; without which conversation is but words ; and the polish of manners, the idlest foppery.

Surely, interposed I, this picture must be overcharged. Frailties and imperfections, no doubt, there will be in all societies of men, especially where there is room for competition in their pursuits of honour and interest. But your idea of a court is that of a den of thieves, only better dressed, and more civilized.

That, said he, is the idea under which truth obliges me to represent it. Believe me, I have been long enough acquainted with that country, to give you a pretty exact account of its inhabitants. Their sole business is to follow the humour of the prince, or of his favourite, to speak the current language, to serve the present turn,

* To the same purpose the excellent archbishop Tillotson, "I could not at a distance believe that *the upper end of the world* was so hollow, as I find it. I except a very few, of whom I can believe no ill, till I plainly see it." [*See his letter to lady Russel, in Mr. Birch's life of the Archbishop, p. 315.*] The concurrence of two such knowing and candid persons, as Mr. Cowley and archbishop Tillotson, in this opinion of the *upper part of the world*, were enough to lead one to strange conclusions ; which yet, after all, would, doubtless, be as unjust as they are uncharitable.

and

and to cozen one another*. In short, their virtue is dissimulation: and their sense, cunning. You will guess now, continued he, how uneasy I must be in such company; I, who cannot lye, though it were to make a friend, or ruin an enemy; who have been taught to bear no respect to any but true wisdom; and, whether it be nature or education, could never endure (pardon the foolish boast) that hypocrisy should usurp the honours, and triumph in the spoils of virtue. Nay further, my good friend, (for I must tell you all I know of myself, though it expose me ever so much to the charge of folly, or even vanity) I

* This whole invective against courts may give one occasion to admire the *probity* of the speaker's mind. But the reader, who knows the world, will be apt to think it a *probity* of the sort which an eminent German philosopher condemns in these words "J'avoue que la PROBITE est souvent accompagnée de PRESUMPTION et d'OBSTINATION dans les PETITS GENIES, et que les gens de ce caractère decident HARDIMENT, et condamnent avec trop de precipitation et trop de hauteur, CE QUI LEUR DEPLAIT, qui souvent! EST TROP INDIFFERENT POUR MERITER DE LEUR DEPLAIRE." This ingenious moralist well observes, that it is only in *little minds*, *dans les petits genies*, that *probity* is attended with these bad symptoms. The politician will go further, and tell us who these *men of little minds* are. "Il ne faut se servir [says cardinal Richlieu in his *political Testament*] de GENS DE BAS LIEU; il sont TROP AUSTERES ET TROP DIFFICILES. So that poor Cowley's misfortune and ill success in the world was owing, after all, to the original sin of his *low birth*; it being impossible, the cardinal tells us, that so mean a stock, with all possible cultivation, should come to bear the more generous and courtly virtues.

was

was not born for courts and general conversation. Besides the unconquerable aversion I have to knaves and fools, (though these last, but that they are commonly knaves too, I could bring myself to tolerate :) besides this uncourtly humour, I have another of so odd a kind, that I almost want words to express myself intelligibly to you. It is a sort of capricious delicacy, which occasions a wide difference in my estimation of those characters in which the world makes no distinction. It is not enough to make me converse with ease and pleasure with a man, that I see no notorious vices, or even observe some considerable virtues in him. His good qualities must have a certain grace, and even his sense must be of a certain turn, to give me a relish of his conversation. I see you smile at this talk, and am aware how fantastic this squeamishness must appear to you. But it is with men and manners, as with the forms and aspects of natural things. A thousand objects recall ideas, and excite sensations in my mind, which seem to be not perceived, or not heeded by other men. The look of a country, the very shading of a landscape, shall have a sensible effect on me, which they who have as good eyes, appear to make no account of. It is just the same with the characters of men. I conceive a disgust at some, and a secret regard for others, whom many, I believe, would estimate just alike. And what is worse, a long and general conversation hath not been able to cure me of
this

this foible. I question, said he, turning himself to me, but, if I was called upon to assign the reasons of that entire affection, which knits me to my best friend, they would be resolved at last into a something, which they, who love him perhaps as well, would have no idea of.

He said this in a way that disarmed me, or I had it in my mind to have rallied him on his doctrine of *occult qualities* and *unintelligible forms*. I therefore contented myself with saying, that I must not hear him go on at this strange rate; and asked him if it was possible he could suffer himself to be biassed, in an affair of this moment, by such whimsies?

Those whimsies, resumed he, had a real effect. But consider further, the endless impertinences of conversation; the dissipation, and loss of time; the diversion of the mind from all that is truly useful or instructive, from what a reasonable man would or should delight in: add to these, the vexations of business; the slavery of dependence, the discourtesies of some, the grosser injuries of others; the danger, or the scorn to which virtue is continually subject; in short, the knavery, or folly, or malevolence of all around you; and tell me, if any thing but the unhappy times, and a sense of duty, could have detained a man of my temper and principles so long in a station of life so very uneasy and disgusting to me.

Nothing

Nothing is easier, said I, than to exaggerate the inconveniencies of any situation. The world and the court have, doubtless, theirs. But you seem to forget one particular ; that the *unhappy times* you speak of, and the state of the court, were an excuse for part of the disagreeable circumstances you have mentioned. The face of things is now altered. The storm is over. A calm has succeeded. And why should not you take the benefit of these halcyon days, in which so many others have found their ease, and even enjoyment ?

These halcyon days, returned he, are not, alas ! what unexperienced men are ready to represent them. The same vices, the same follies prevail still, and are even multiplied and enflamed by prosperity. A suffering court, if any, might be expected to be the seed plot of virtues. But to satisfy your scruples, I have even made a trial of these happier times. All I wished to myself from the happiest, was but such a return for my past services, as might enable me to retire with decency. Such a return I seem not to have merited. And I care not, at this time of day, to waste more of my precious time in deserving a better treatment.

Your day, said I, is not so far spent, as to require this hasty determination. Besides, if
this

this be all, the world may be apt to censure your retreat, as the effect of chagrin and disappointment.

His colour rose, as I said this ; the world, resumed he, will censure as it sees fit. I must have leave at length to judge for myself in what so essentially concerns my own happiness. Though if ever *chagrin* may be pleaded as a reason for retirement, perhaps no body had ever a better right than I have to plead it. You know what hath happened of late, to give me a disgust to courts. You know the view I had in my late comedy *, and the grounds I had to expect the thanks of the ministry for it. But you know too the issue of that attempt. And should I, after this experience of courtly gratitude, go about to solicit their favours ? But to let you see that I am swayed by better motives than those of *chagrin*, I shall not conceal from you what I am proud enough to think of my TALENTS, as well as temper.

* He means, I suppose, *The cutter of Coleman street*, the occasion and purpose of which was this. At the restoration, there was not a set of men more troublesome to the ministry than the cavalier officers ; amongst whom had crept in all the profligate of broken fortunes, to share in the merits and rewards of that name. Cowley writ this comedy to unmask these wretches, and might reasonably pretend to some thanks for it. But, contrary to expectation, this very attempt raised a storm against him even at court, which beat violently upon him. See his preface to that play in the later editions in 8vo.

There

There are but two sorts of men, pursued he, that should think of living in a court, however it be that we see animals of all sorts, clean and unclean, enter into it. The *ONE* is, of those strong and active spirits that are formed for business, whose ambition reconciles them to the bustle of life, and whose capacity fits them for the discharge of its functions. These, especially if of noble birth and good fortunes, are destined to fill the first offices in a state; and if, peradventure, they add virtue to their other parts and qualities, are the blessings of the age they live in. Some few such there have been in former times; and the present, it may be, is not wholly without them.

The *OTHER* sort are what one may properly enough call, if the phrase were not somewhat uncourtly, the *MOB OF COURTS*; they, who have vanity or avarice without ambition, or ambition without talents. These, by assiduity, good luck, and the help of their vices, (for they would scorn to earn advancement, if it were to be had, by any worthy practices) may in time succeed to the lower posts in a government; and together make up that shewy, servile, selfish crowd we dignify with the name of *COURT*. Now, though I think too justly of myself to believe I am qualified to enter into the *former* of these lists, you may conclude, if you please, that I am too proud to brigue for an
I
admission

admission into the *latter*. I pretend not to great abilities of any kind; but let me presume a little in supposing, that I may have some too good to be thrown away on such company.

Here, my lord, the unusual freedom, and even indecency of Mr. *Cowley's* invective against courts, transported me so far, that I could not forbear turning upon him with some warmth. Surely, said I, my friend is much changed from what I always conceived of him. This heat of language from one of your candour, surprises me equally with the injustice of it. It is so far from *calm reasoning*, that it wants but little, methinks, of being downright railing. I believe, continued I, that I think more highly, that is, more justly of Mr. *Cowley* in every respect, than he allows himself to do. Yet I see not that either his time, or his talents, would be misemployed in the services he so undervalues. Allow me to say, your resentment hath carried you too far; and that you do not enough consider the friends you left at court, or the noble lord that wishes your return thither.

I do, said he hastily, consider both. But, with your leave, since I am forced to defend myself against an ignominious charge, I must do myself the right to assume what I think belongs to me. I repeat it, I have long thought my time lost in the poor amusements and vanities

ties of the great world, and that I have felt an impatience to get into a quiet scene, where, slender as my talents are, I might employ them to better purpose.

And think not, proceeded he, that I am carried to this choice by any thing so frivolous as the idleness of a poetical fancy. Not but the Muse, which hath been the darling of my youth, may deserve to be the companion of my riper age. For I am far from renouncing an art, which, unprofitable as it hath ever been to me, is always entertaining. And when employed, as I mean it shall be, in other services than those by which a voluptuous court seems willing to disgrace it*, I see not what there is in this amusement of poetry, for the severest censor of life and manners to take offence at. Yet still I intend it for an amusement. My serious occupations will be very different; such as you, my friend, cannot disapprove, and should encourage. But I have opened to you my intentions more than once, and need not give you the trouble at this time to hear me explain them.

You mean, interposed I, to apply yourself to *natural* and *religious* enquiries. Your design is commendable, and I would not dissuade you from it. But what should hinder

* This was spoken in 1661. What would he have said, if he had continued in the court some years longer?

your pursuing this design as well in society as in this solitude?

What, at COURT, returned he, where the only object, that all men are in quest of, is GAIN, and the only deity they acknowledge, FORTUNE? or say, that such idolatries did not prevail there, how shall the mind be calm enough for so sublime enquiries? Or where, but in this scene of genuine nature, is there an opportunity to indulge in them? Here, if any where, is the observation of the poet verified, DEUS EST QUODCUNQUE VIDES. Look round, my friend, on this florid earth, on the various classes of *animals* that inhabit, and the countless *vegetable* tribes that adorn it. Here is the proper school of wisdom,

“ And this our life, exempt from public haunt,
Finds tongues in trees, books in the running
brooks,
Sermons in stones, and good in every thing *.”

* There is a quaintness in these lines of the great poet, which however are not unlike some of his own, addressed to J. Evelyn, Esq.

“ Where does the wisdom and the power divine,
In a more bright and sweet reflexion shine?
Where do we finer strokes and colours see,
Of the Creator’s real poetry,

Than when we with attention look
Upon the third day’s volume of the book?
If we could open and intend our eye,

We all, like *Moses*, should espy,
Even in a *Bush*, the radiant Deity.

Infinite are the uses, continued he, which would result from this method of applying experiment and observation to *Natural Science*. I have taken occasion, you know, to offer a slight sketch of them to the public very lately*. But the principal I would draw from it to myself should be, to inure the mind to just conceptions of the divine nature; that so, with the better advantage, I might turn myself to the awful study of his *Word*. And here, my friend, I am sensible how much I may expect to be animated by your zeal, and enlightened by your instruction. In the mean time, I pretend to possess some qualities, which, if rightly applied, may not be unsuitable to so high and adventurous an undertaking. I feel myself impelled by an eager curiosity: I have much patience, and some skill in making experiments. I may even be allowed to boast of a readiness in the learned languages: and am not without a tincture of such other studies, as the successful prosecution of PHYSICS, and still more of DIVINITY, requires. You may farther impute to me, if you please, an ingenuous love of truth, and an ordinary degree of judgment to discern it. These, concluded he, are the TALENTS of which I spoke to you so

* I presume he means the *preface* to his *Proposition for the advancement of experimental philosophy*. It must, as he says, have been *very lately*; for that *Proposition*, I believe, was first printed in 1661. See the edition in 24to. Lond. for H. Herringham.

proudly ;

proudly ; and with the help of these, (especially if you allow me *one* other, the power of *communicating* what I may chance to learn of natural or divine things) I might hope to render a better account of this solitude, than of any employments I could reasonably aspire to, in the world of men and of business.

He said this with an air of solemnity, which left me a little at a loss what to reply to him, when he relieved my perplexity by adding, “ but, though there was nothing of all this in the case, and my zeal for promoting knowledge in this private way, were as lightly to be accounted of, as *that*, which led me to propose the more extensive scheme I before mentioned, probably will be, yet what should draw me from this leisure of a learned retirement ? For though I please myself with the prospect of doing some *public* service by my studies, yet need I blush to own to my learned friend, the fondness I should still have for them, were they only to end in my own *private* enjoyment ? Yes, let me open my whole soul to you. I have ever delighted in letters, and have even found them, what the world is well enough content they should be, their own reward. I doubt, if this language would be understood in all companies. And let others speak as they find. But to me the year would drag heavily, and life itself be no life, if it were not quickened by these ingenuous pleasures.

Indeed, were it only for the very quiet and indolence of mind, which retirement promises, why should I be envied this in the calm decline of a troubled life?—But let the Muse speak for me :

After long toils and voyages in vain,
This quiet port let my toft vessel gain ;
Of heav'nly rest this earnest to me lend,
Let my life sleep, and learn to love her end.

And what if they, who have not the means of enjoying this *rest*, submit to the drudgery of business? Is that a reason for me to continue in it, who have made my fortune, even to the extent of my wishes? I see you smile at this boast. But where would you have me stop in my desires; or what is it you would have me understand by the mysterious language of *making a fortune*? is it two hundred a year, or four, or a thousand? say, where shall we fix, or what limits will you undertake to prescribe to the vague and shifting notion of a competency? or, shall we own the truth at once, that every thing is a *competency* which a man is contented to live upon, and that therefore it varies only, as his desires are more or less unreasonable? To talk at any other rate of a *man's fortune*, is to expose one's self to the ridicule, which the philosopher, you know, threw on the restless humour of king Pyrrhus. 'Tis whim, chimera, madness, or what you will, except sober reason and common sense. Yet still the world
cries,

cries, "What, sit down with a pittance, when the ways of honour and fortune are open to you? Take up with what may barely satisfy, when you have so fair a chance for affluence, and even superfluity?"

Alas! and will that *affluence* then do more than satisfy? or can it be worth the while to labour for a *superfluity*?

'Tis true, the violence of the times, in which it was my fortune to bear a part, had left me bare and unprovided even of those moderate accommodations, which my education and breeding might demand, and which a parent's piety had indeed bequeathed to me. It was but fitting then I should strive to repair this loss; and the rather, as my honest services gave me leave to hope for a speedy reparation. And thus far I was contented to try my fortune in the court, though at the expence of some uneasy attendance and solicitation. But seeing that this assiduity was without effect, and that the bounty of two excellent persons * hath now set me above the necessity of continuing it, what madness were it to embark again

"Fluctibus in mediis et tempestatibus urbis?"

* Dr. Sprat tells us, "That he had obtained a plentiful estate by the favour of my lord St. Albans, and the bounty of my lord duke of Buckingham. [See *his Life*.]

So that if you will needs be urging me with the ceaseless exhortation of

“I, bone, quo virtus tua te vocat: I pede fausto
Grandia laturus meritorum præmia :”—

I must take leave to remind you of the sage reply that was made to it. It was, you know, by an old soldier, who found himself exactly in my situation. The purse, which he had lost by one accident, he had recovered by another. The conclusion was, that he had no mind, in this different state of affairs, to turn adventurer again, and expose himself to the same perilous encounters

“Post hæc ille catus, quantumvis RUSTICUS,
“Ibit,
Ibit eo, quo vis, QUI ZONAM PERDIDIT, inquit.”]

In one word, my friend, I am happy here, as you see me, in my little farm, which yet is large enough to answer all my real necessities; and I am not in the humour of him in the fable *, to fill my head with visions, and spend a wretched life in quest of the *flying island*.

* By this *fable*, I suppose, is meant, *The true history of Don Quixote*; in which poor Sancho Panca is drawn into all adventures, by the promise of his *honourable knight*, (whose word, the speaker would insinuate, was as much to be taken as that of any *right honourable minister* whatsoever) to reward him in due time, with the government of an *island*.

And now, added he, you have before you in one view the principal reasons that have determined me to this retreat. I might have enlarged on each more copiously, but I know to whom I speak : and perhaps to such a one I might even have spared a good deal of what I have now been offering, from the several considerations of my TEMPER, TALENTS, and SITUATION.

Here he stopped. And now, my lord, it came to my turn to take the lead in this controversy. There was indeed an ample field before me. And, if the other side of the question afforded most matter for wit and declamation, mine had all the advantages of good sense and sound reason. The superiority was so apparent, and my victory over him, in point of argument, so sure, that I thought it needless and ungenerous to press him on every article of his defence, in which he had laid himself open to me. Your lordship hath, no doubt, observed with wonder and with pity, the strange spirit that runs through every part of it: the confined way of thinking which hath crept upon him; the cynical severity he indulges against courts; the importance he would sometimes assume to his own character; the peevish turn of mind that leads him to take offence at the lighter follies and almost excusable vices* of the great; in short, the resentment,

* This, no doubt, will sound a little harsh to vulgar ears. But men of enlarged minds, who know the world, will see the

the pique, the chagrin, which one overlooks in the hopeless suitor, or hungry poet, but which

nothing in the insinuation of this virtuous divine, but what may be fairly justified. The famous FENELON had, it seems, with the spirit of our COWLEY, been pretty free in censuring the conduct of a noble Roman, in a certain delicate conjuncture, "*as not consistent with rigid morality.*" But let us hear what a man of morals, and what is more, a professed instructor of youth, has to say to this too scrupulous casuist. You tell us, that the conduct in question is not according to the rules of strict morality. "Perhaps it is not: but are there not some grains of allowance to be made to great men engaged in high contests for life and honour, amid the shocks of fortune, and whirls of passion, that attend them? A philosopher in his closet, and a general at the head of an army, or the chief at that of a party, have very different points of view. The conduct of life in this respect resembles, methinks, that of a poem. Perhaps no poet ever composed from a *system*; or was worth the reading, if he did. Carried along, or rather hurried away, by the fire of his fancy, and the lustre of imagery dancing before his eyes, he indulges his vein, without regarding Aristotle or Bossu. In like manner---But we need not complete the parallel. Every one sees that, in the opinion of the late Mr. Professor BLACKWELL, *Principal of the Marischall College in the university of Aberdeen*, a great man hurried away by the fire of his passions, and the lustre of honours or pleasures dancing before him, is not accountable for his escapes to the neglected moralist, but may freely indulge his vein in spite of what his philosophy, not to say his religion, may teach to the contrary. How liberal is the spirit of the modern *Shaftsburyan* Ethics! Ancient moralists, and even the father of this virtuous sect, were perpetually crying out on the deformity of vice; that is, of all excessive or irregular gratification of the passions; but this complacent casuist of North Britain finds a certain poetical grace in conducting the drama of life, not by strict rule, but the sallies of imperious passion.---I should not have said thus much on so plain a point, but for the sake of justifying Mr. are

are very unaccountable in one of Mr. *Cowley's* condition and situation *. Here, my lord, was a fair occasion for a willing adversary. But I spared the infirmities of my friend. These weak parts of his character, which exposed him to so easy a reprehension, were the reason that I passed them over without notice. I judged it best to keep him in temper, and avoid that heat of altercation, which must have arisen from touching these indiscretions as they deserved. Your lordship sees the reason I had for confining my reply to such parts of his apology as bore the fairest shew of reason, and might be encountered without offence.

When he had ended, therefore, with so formal a recapitulation of his discourse, I thought it not amiss to follow him in his own train; and dissembling the just exceptions I had to his vindication in other respects, " You have proceeded, said I, in a very distinct method, and have said as

Sprat, by so respectable and so recent an example. It might be added, no doubt, for the satisfaction of such as love to see a comparison *run on all four*, that the violation of rule in the real drama of life, is of as little consequence to himself or mankind, as in the poet's fictitious scene. See *Memoirs of the court of Augustus*, Vol. II. p. 340.

* Mr. *Sprat*, to be sure, looked upon his friend as a *gone man*, one that there was no hope of reclaiming to the court, or he might have spared himself, one is ready to think, the trouble of this comment to his lordship.

much,

much, I believe, on the subject, as so bad a cause would admit. But if this indeed be all you have to alledge, for so uncommon a fancy, you must not think it strange, if I pronounce it without scruple, very insufficient for your purpose. For, to give your several pleas a stricter examination, what is that TEMPER, let me ask, on which you insist so much, but a wayward humour, which your true judgment should correct and controul by the higher and more important regards of *duty*? Every man is born with some prevailing propensity or other, which, if left to itself, and indulged beyond certain bounds, would grow to be very injurious to himself and society. There is something, no doubt, amusing in the notion of *retirement*. The very word implies ease and quiet, and self-enjoyment. And who doubts, that in the throng and bustle of life, most men are fond to image to themselves, and even to wish for a scene of more composure and tranquillity? It is just as natural as that the labourer should long for his repose at night: or that the soldier, amidst the dust and heat of a summer's march, should wish for the conveniencies of shade and shelter. But what wild work would it make, if these so natural desires should be immediately gratified? If the labourer should quit his plow, and the soldier his arms, to throw themselves into the first shade or thicket that offered refreshment? All you have therefore said on this article can really stand for nothing in the eye of sober reason, whatever figure
it

it may make in the dress of your eloquence *. The inconveniencies of every station are to be endured from the obligations of duty, and on account of the services one is bound to render to himself and his country.

True, replied he, if it appeared to be one's duty, or even interest, to continue in that station. But what principle of conscience binds me to a slavish dependance at court ? or what interest, public or private, can be an equivalent for wearing these chains, when I have it in my power to throw them off, and redeem myself into a state of liberty ?

What *interest* do you ask ? returned I: why that great and extensive one which *society* hath in an honest and capable man's continuing to bear a part in public affairs. For as to inducements of another kind, I may find occasion hereafter to press them upon you more seasonably. Consider well with yourself, what would the consequence

* What the doctor imputes so civilly to his friend's *eloquence*, some will perhaps account for, from other reasons. At least, my lord BACON expresses himself in these words, — "As for the privateness of life of contemplative men, it is a theme so common to extol a private life, not taxed with sensuality and sloth, in comparison, and to the disadvantage of a civil life, for safety, liberty, pleasure, and dignity, *as no man handleth it, but handleth it well*: such a consonancy it hath to men's conceits in the expressing, and to men's consents in the allowing." [Adv. of Learning, Book I.]

be,

be, if all men of honour and ability were to act upon your principles? What a world would this be, if knaves and fools only had the management in their hands, and all the virtuous and wise, as it were by common consent, were to withdraw from it? Nay, the issue would even be fatal to themselves; and they would presently find it impossible to taste repose, even in their own sanctuary of retirement.

Small need, replied he, to terrify one's self with such apprehensions. The virtuous, at least they who pass for such, will generally have ambition enough to keep them in the road of public employments. So long as there are such things as riches and honours, courts will never be unfurnished of suitors, even from amongst the tribes of lettered and virtuous men. The desperately bad, at least, will never have the field left entirely to themselves. And after all, the interest of men in office is, in the main, so providentially connected with some regard to the rules of honour and conscience, that there is seldom any danger that matters should come to extremities under the *worst* administration. And I doubt this is all we are to expect, or at least to reckon upon, with assurance, under the very *best*. But my answer is more direct. It is not for your little friend to think of getting a seat in the cabinet-council, or of conducting the great affairs of the state. He
knows

knows himself to be as unfit for those high trusts, as he is incapable of aspiring to them. Besides, he does not allow himself to doubt of their being discharged with perfect ability, by the great persons who now fill them. HE, at least, who occupies the foremost place of authority, is, by the allowance of all, to be paralleled with ANY that the wisest prince hath ever advanced to that station. And when so consummate a pilot sits at the helm, it seems a matter of little moment by what hands the vessel of the common-wealth is navigated.

I could not agree with him in this concluding remark, and much less in the high-flown encomium which introduced it*. But waving these lesser matters, I contented myself with observing, "That let him put what gloss he would on this humour of declining civil business, it must needs be considered by all unbiassed persons, as highly prejudicial to public order and government; that if good men would not be employed, the bad must; and that, to say the least, the cause of learning and virtue must suffer exceedingly in the eyes of men, when they see those very qualities, which alone can render us useful to the world, dispose us to fly from it."

* The speaker is much to be commended for this caution. He was writing to the lord ST. ALBANS, and was, at this time, chaplain to the duke of BUCKINGHAM.

For as to the *plea*, continued I, of employing them to better purpose in the way of *private and solatory* CONTEMPLATION, I can hold it for little better than enthusiasm. Several persons, I know, would give it a worse name, and say, as *Tacitus* somewhere does, that it serves only for a specious cover to that love of ease and self-indulgence, which he will have to be at the bottom of such pretences*. But even with the best construction the matter was capable of, he would never, I insisted, justify that plea to the understandings of prudent and knowing men. We allow the obscure pedant to talk high of the dignity of his office, and magnify, as much as he pleases, the importance of his speculations. Such an indulgence serves to keep him in humour with himself, and may be a means to convert a low and plodding genius to the only use of which it is capable. But for a man of experience in affairs, and who is qualified to shine in them, to hold this language, is very extraordinary.

* This loose way of quoting by memory, the reader may be sure, has occasioned the editor of these *Dialogues* no small trouble. After turning over almost all *Tacitus*, he met, at last, with the following passage, which he believes may be that here glanced at.—“*Ingenium illustre altioribus studiis juvenis admodum dedit : non, ut PLERIQUE, UT NOMINE MAGNIFICO SEGNE OTIUM VELARET, sed quo firmior adversus fortuita rempublicam capefferet.*” [*Hist.* IV. 5.]—Part of the fine character given us of *HELVIDIUS PRISCUS*.

I saw

I saw with what impatience he heard me, and therefore took care to add, "'Tis true, the studies to which you would devote yourself, are the noblest in the world of science. For *divinity*, the very name speaks its elogium. And the countenance with which his majesty is pleased, in his true wisdom, to give to *natural science*, must be thought to enoble that branch of learning beyond all others, that are merely of human consideration. Yet still, my friend, what need of taking these studies out of the hands of those to whom they are properly intrusted? Religion is very safe in the bosom of the national church *. And questions of natural science will doubtless be effectually cleared and ventilated in the *new society* †, and

* It is certain many fathers of the church have been of this mind. But what if the *national church* itself should come into danger, and these fathers, as wholly unprepared, should find themselves unable to defend it? What would become of *religion* then? But the answer is not so difficult as it seems. For the truth is, there will generally be some churchmen, or, as it may happen, some layman, that is well instructed in these matters, and will take care of them. But what encouragement, it will still be asked, for these services? Not much, indeed, under such circumstances. But a sense of duty, and the love of truth, will carry some men a great way. Nor can any blame, in the mean time, light on the *pious fathers*. For the drudgery of controversy, as of prayer, is too officiously taken out of their hands.

† Meaning, I suppose, THE ROYAL SOCIETY; not erected if my conjecture of the *date* of this conversation be right, till the following year, but probably agreed upon, and certainly much talked of, at this time.

in the schools of our *universities*. It could never be his majesty's intention to thin his court, for the sake of furnishing students in natural philosophy.

And can you then, interposed he, in your concern for what you very improperly call my interests, allow yourself to speak so coolly of the great interests of natural and divine truth? Is religion a trade to be confined to the craftsmen? Or, are fellows of colleges and of the royal society, if such we are to have, the only persons concerned to adore God in the wonders of his creation? Pardon me, my friend, I know you mean nothing less; but the strange indifference of your phrase, provokes me to this expostulation.

You warm yourself, resumed I, too hastily. My design was only to suggest, that as there are certain orders of men appointed for the sole purposes of studying divinity, and advancing philosophy, I did not see that a man of business was obliged to desert his proper station for the sake of either.

I suspect, said he, there may be some equivocation wrapped up in that word *obliged*. All I know is, that I shall spend my time more innocently, at least; and, I presume to think, more usefully in those studies, than in that slippery *station*, if it may deserve to be called one, of court-favour and dependance. And if I extended the
observa-

observation to many others that are fond to take up their residence in these quarters, I cannot believe I should do them any injustice.

I cannot tell, returned I, against whom this censure is pointed. But I know there are many of the gravest characters, and even lights and fathers of the church, who do not consider it as inconsistent, either with their duty, or the usefulness of their profession, to continue in that station.

O! mistake me not, replied he, I intended no reflexion on any of the clergy, and much less on the great prelates of the church, for their attendance in the courts of princes. Their's is properly an exempt case. They are the authorized guides and patterns of life. Their great abilities indeed qualify them, above all others, for serving the cause of science and religion, by their private studies and meditations. But they very properly consider too, that part of their duty is to enlighten the ignorant of all ranks, by their wise and pious discourse, and to awe and reclaim the wandering of all denominations, by their example. Hence it is, that I cannot enough admire the zeal of so many pastors of the church, who, though the slavish manners and libertinism of a court, must be more than ordinarily offensive to men of their characters, continue to discharge their office

so painfully, and yet so punctually, in that situation*.

Here, my lord, observing my friend for once to deliver himself so reasonably, I was encouraged to add, that, since he was so just to maintain the commerce of good and wise churchmen in the great world to be, as it truly was, a matter of duty, he should also have the candour to own, that his withdrawing from it was, at least, a work of *supererogation*.

It might be so, he said ; but though our church gave no encouragement to think we *merit* by such works, he did not know that it condemned and utterly forbade them.

Oh! but, returned I, if that be all, and you acknowledge at last that your *retiring* is no

* How amiable is this candour ! Licentious men, on the other hand, draw strange conclusions. Bishop *Burnet* tells us of lord *Rochester*, "That the aspirings he had observed at court of some of the clergy, with the servile ways they took to attain to preferment, had made him often think they suspected the things were not true, which in their sermons and discourses, they so earnestly recommended." [*Some passages of the life and death of the earl of Rochester*, p. 121.] We see that this unhappy lord, observing abundance of clergymen about the court, and not penetrating the true reason of their attendance, fell into the uncharitable surmise, that, like his lay acquaintance, these reverend persons were there only to do their own business.—Hence the still more dishonourable conclusion of their *infidelity*.

matter

matter of duty, it will be easy to advance another step, and demonstrate to you, that such a project is, in your case, altogether unreasonable*. For, notwithstanding all you have said, in the spirit and language of stoicism, of the comforts of your present SITUATION, will you seriously undertake to persuade me that they are in any degree comparable to what you might propose to yourself, by returning to a life of business? Is the littleness, the obscurity, and pardon me if I even say, the meanness of this retreat, to be put in competition with the liberal and even splendid provision, which your friends at court will easily be able to make for you? Is it nothing, my friend, (for let us talk common sense, and not bewilder ourselves with the visions of philosophy) is it nothing to live in a well furnished house, to keep a good table, to command an equipage, to have many friends and dependants, to be courted by inferiors, to be well received by the great, and to be somebody even in

* We have in this remonstrance that follows, the usual language of those we call our *friends*; which may sometimes be the *cause*, but is oftner the *pretence* of ambition. Hear how gravely Sir Dudley Carlton, who loved business, and drudged on in it all his life, is pleased, in an evil hour, to express himself; "The best is, I was never better, and were it not more for a necessity that is imposed by the EXPECTATION OF FRIENDS, not to stand at a stay and SENESCERE, whilst a man is young, than for ambition, I would not complain myself of my misfortunes." [Sir RALPH WINWORD'S *memorials*, Vol. II. p. 45.]

the *presence*? And what if, in order to compass such things, some little devoirs and assiduities are expected? Is it not the general practice? And what every body submits to, can it be ignominious? Is this any thing more than conforming one's self to the necessary subordination of society? And what if some time passes in these services, which a present humour suggests might be more agreeably spent in other amusements? The recompence cannot be far off; and, in the mean time, the lustre and very agitation of a life of business, hath something in it sprightly and amusing. Besides, your's is not the case of one that is entering for the first time on a course of expectation. Your business is half done. The prince is favourable; and there are of his ministers that respect and honour you. Your services are well known, your reputation is fair; your connexions great; and the season inviting. What, with all these advantages, forego the court in a moping mood, or, as angry men use, run to moralize in a cloyster!

I was proceeding in the warmth of this remonstrance, when with a reproachful smile he turned upon me, and, in a kind of rapture, repeated the following lines of SPENSER.

“ Full little knowest thou, that hast not tride,
What hell it is in suing long to bide :

To

To lose good days that might be better spent;
 To waste long nights in pensive discontent;
 To speed to-day, to be put back to-morrow;
 To feed on hope, to pine with fear and sorrow;
 To have thy prince's grace, yet want his
 peerses *;
 To have thy askings, yet wait many yeers †;
 To fret thy soul with crosses and with cares;
 To eat thy hart through comfortlesse despair;
 To faun, to crouche, to wait, to ride, to ronne;
 To spend, to give, to want, to be undonne."

This, said he, is my answer, once for all, to your long string of interrogatories. I learnt it of one that had much experience in courts. And I thought it worth imprinting on my memory, to

* It appears how happy Mr. Cowley was in his prince's grace, from what the king said of him, on the news of his death: "*That he had not left a BETTER man behind him in England.*" But men of this character, we are told, are *trop austeres et difficiles*. No wonder, then, that though he wanted not his prince's grace, he wanted *that of his peerses*.

† The application of this line is, doubtless, to the affair of the *mastership of the Savoy*; "which, though granted, says Mr. Wood, to his highest merit by both the Charles's I. and II. yet, by certain persons, enemies to the Muses, he lost that place." But this was not the worst. For, such is the hard lot of unsuccessful men, the *Savoy-missing Cowley* became the object of ridicule instead of pity, even to the wits themselves; as may be seen in "*The session of the poets, amongst the miscellaneous poems published by Mr. Dryden.*"

Quid DOMINI facient, audent si talia FURES ?

H 4

have

have it in readiness on such an occasion. Or, if you would rather have my answer in my own words, the muse shall oblige you with it out of a little poem she dictated very lately. It may shew you perhaps, that, though my nature be somewhat melancholy, I am not *moping*; and that I can moralize, and even *complain*, as I have reason to do, without being *angry* *.

The look and tone of voice with which he said this, a little disconcerted me. But I presently recovered myself, and was going on to object to his unreasonable warmth, and the fascination of this wicked poetry, when he stopped me with saying, "Come, no more of these remonstrances and upbraidings. I have heard enough of your pleadings in a cause which no eloquence can carry against my firm and fixed resolutions. I have seen, besides, the force you have done to yourself in this mock-combat. Your extreme friendliness hath even tempted you to act a part which your true sense, and the very decorum of your profession, I have observed through all your disguises,

* From these hints, and another in the close of the conversation, the poem spoken of must be that which is printed amongst his works, under the name of THE COMPLAINT. The relation it has to the subject debated, made me think it not amiss to print it at the end of this dialogue.—It must raise one's indignation to find that so just, so delicate, and so manly a *complaint* should be scoffed at, as it was by the wits before mentioned, under the name of THE PITIFUL MELANCHOLY.

has

has rendered painful to you. I will tell you my whole mind in one word. No inducements of what the world calls INTEREST, no views of honour, no, nor what the poet aptly calls, the SANCTISSIMA DIVITIARUM MAJESTAS*, shall make me recede from the purpose I am bent upon, of consecrating the remainder of a comfortless distracted life, to the sweets of this obscure and despised retirement. Believe me, I have weighed it well, with all its inconveniencies. And I find them such as are nothing to the agonies I have long felt in that troubled scene to which you would recall me. If it hath any ingredients which I cannot so well relish, they are such as my friends, and above all, such as you, my best friend, may reconcile to me. Let me but have the pleasure to see the few I love and esteem in these shades, and I shall not regret their solitude. And as for my much honoured friend, whose munificence hath placed me in them, I shall hope to satisfy him in the most effectual manner. Nothing, you will believe, could give me a pain equal to that of being suspected of ingratitude towards my best benefactor. It was indeed with the utmost difficulty that I constrained myself at last to think of leaving his service. The truth is, he expostulated with me upon it pretty roundly; and though my resolution was taken, I left him with the concern of not being able to give him entire satisfaction. These repeated instances by you are a fresh proof of his

* Juvenal, *Sat. i.* ver. 112.

goodness,

goodness, and do me an honour I had little reason to expect from him. But his lordship's notions of life and mine are very different, as is fitting in persons whom fortune hath placed in two such different situations. It becomes me to bear the most grateful remembrance of his kind intentions; and for the rest, I can assure myself, that his equity and nobleness of mind will permit an old servant to pursue, at length, his own inclinations. However, to repay his goodness as I can, and to testify all imaginable respect to his judgment, I have purposed to write my own APOLOGY to his lordship; and to represent to him in a better manner than I have done in this sudden and unpremeditated conversation, the reasons that have determined me to this so unwelcome resolution. I have even made some progress in the design, and have digested into several *essays* the substance of such reflections as, at different times, have had most weight with me *.

* Whether it were owing to his other occupations, or that he had no great confidence in the success of this attempt, these *Essays*, which, as he says, *were to give entire satisfaction* to his court-friend in the affair of his retirement, went on very slowly. They were even left imperfect at his death, "a little before which (says Dr. Sprat) he communicated [he should rather, we see, have said, *repeated*] to me his resolutions, to have dedicated them all to my lord St. Albans, as a testimony of his entire respects to him; and a *kind of apology* for having left human affairs in the strength of his age, while he might have been serviceable to his country." However, if this apo-

Hearing

Hearing him speak in so determined a manner, I was discouraged from pressing him further with such other considerations as I had prepared on this argument. Only I could not help enforcing, in the warmest manner, and in terms your lordship would not allow me to use in this recital, what he himself had owned of your unexampled goodness to him ; and the obligation which, I insisted, that must needs create in a generous mind, of paying an unreserved obedience to your lordship's pleasure. He gave me the hearing very patiently ; but contented himself with repeating his design of justifying himself to your lordship in the apology he had before promised.

And now, resumed he, with an air of alacrity, since you know my whole mind, and that no remonstrances can move me, confess the whole truth ; acknowledge at last, that you have disssembled with me all this while, and that, in reality, you approve my resolution. I know you do, my friend, though you struggle hard to conceal it. It cannot be otherwise ; Nature, which linked our hearts together, hath formed us in one mould. We have the same sense of things ; the same love of letters and of virtue. And though I would not so-

logy had not the *intended* effect, it had a much better. Lords and wits may decide of the qualities of Mr. Cowley's head as they please ; but as long as these *Essays* remain, they will oblige all honest men to love the language of his heart.

licit

licit one of your years, and your profession, to follow me into the shade; yet I know you so well*, that you will preserve in the world that equal frame of mind, that indifference to all earthly things, which I pretend to have carried with me into this solitude. Go on, my friend, in this track; and be an example to the churchmen of our days, that the highest honours of the gown, which I easily foresee are destined to your abilities, are not incompatible with the strictest purity of life, and the most heroic sentiments of integrity and honour. Go, and adorn the dignities which are reserved for you; and remember only in the heights of prosperity to be what you are, to serve the world with vigour, yet so as to indulge with me.

“ THE GENEROUS SCORN ”

OF THINGS, FOR WHICH WE WERE NOT BORN †.

I began to be a little uneasy at his long sermon, when he broke it off with this couplet: The

* This address, we are to observe, was to the *reverend Mr. T. Sprat*: the *doctor* and the *bishop* was quite another thing. And yet there were some hints let fall, even in this conversation, from which so knowing a person, as our poet, might have made a sort of guess at the *doctor* and *bishop*. But friendship, as they say of love, is blind: and, we have seen by a *late* instance of a much greater poet, that there is no natural sagacity which may not be hood-winked by the juggling of this passion.

† A citation from one of his own poems.

day

day by this time was pretty far advanced; and rising from his seat, he proposed to me to walk into his hermitage, (so he called his house;) where he said, I should see how a philosopher lived as well as talked. I staid to dine, and spent a good part of the afternoon with him. We discoursed of various matters; but not a word more on what had occasioned this visit. Only he shewed me the *complaining poem* he had mentioned, and of which, for the pleasure so fine a composition will give you, I here send your lordship a copy. His spirits, he said, were enlivened by the face of an old friend; and indeed I never knew his conversation more easy and chearful*; which yet I could not perfectly enjoy for the regret the ill success of my negotiation had given me.

I returned to town in the evening, ruminating on what had passed, and resolving to send your lordship an exact account of our conversation. I particularly made a point of suppressing nothing which Mr. Cowley had to say for himself in this debate, however it may sometimes seem to make against me. The whole hath grown under my pen into a greater length than I expected. But

* It may seem at first sight, as if this *chearfulness* had been occasioned by the face of his old friend, and that otherwise it was not his natural humour. But this was not the speaker's mind. He tells us himself, speaking of Mr. Cowley's retreat, that "some few friends and books, a chearful heart, and innocent conscience, were his constant companions."

your

lordship wished to know the bottom of our friend's mind, and I thought you would see it more distinctly and clearly in this way than in any other. I am, my lord, with the most profound respect,

Your Lordship's most obedient

and faithful Servant,

T. SPRAT.

T H E C O M P L A I N T.

IN a deep vision's intellectual scene,
 Beneath a bow'r for sorrow made,
 Th' uncomfortable shade
 Of the black yew's unlucky green,
 Mixt with the mourning willow's careful gray,
 Where reverend CAM cuts out his famous way,
 The melancholy *Cowley* lay :
 And lo ! a Muse appear'd to's closed sight,
 (The Muses oft in lands of visions play)
 Bodied, arrayed, and seen by an internal light :
 A golden harp with silver strings she bore,
 A wondrous hieroglyphic robe she wore,

In

In which all colours, and all figures were,
 That nature, or that fancy can create,
 That art can never imitate;
 And with loose pride it wanton'd in the air,
 In such a dress, in such a well-cloth'd dream,
 She us'd of old, near fair *Ismenus* stream,
Pindar her *Theban* favourite to meet;
 A crown was on her head, wings were on
 her feet.

II.

She touch'd him with her harp, and rais'd him
 from the ground;
 The shaken strings melodiously resound.
 Art thou return'd at last, said she,
 To this forsaken place and me?
 Thou prodigal, who didst so loosely waste
 Of all thy youthful years, the good estate;
 Art thou return'd here to repent too late?
 And gather husks of learning up at last,
 Now the rich harvest time of life is past,
 And *Winter* marches on so fast?
 But when I meant t' adopt thee for my son,
 And did as learn'd a portion assign,
 As ever any of the mighty nine
 Had to her dearest children done;
 When I resolv'd t' exalt thy anointed name,
 Among the spiritual lords of peaceful fame;
 Thou changeling, thou, bewitch'd with noise and
 show,
 Would'st into courts and cities from me go;
 Would'st

Would'st see the world abroad, and have a
share

In all the follies, and the tumults there,
Thou would'st, forsooth, be something in a
state,

And business thou would'st find, and would'st
create :

Business, the frivolous pretence
Of human lusts to shake off innocence :

Business ; the grave impertinence :
Business ! the thing which I of all things hate,
Business ! the contradiction of thy fate.

III.

Go, renegado, cast up thy account,
And see to what amount

Thy foolish gains by quitting me :
The sale of knowldge, fame, and liberty,
The fruits of thy unlearn'd apostasy.
Thou thought'st if once the public storm were
past,

All thy remaining life should sun-shine be :
Behold the public storm is spent at last,
The sovereign is tost at sea no more,
And thou with all the noble company,
Art got at last to shore.

But whilst thy fellow voyagers, I see,
All march'd up to possess the promis'd land,
Thou still alone (alas) dost gaping stand
Upon the naked beach, upon the barren sand.

IV.

As a fair morning of the blessed spring,
 After a tedious stormy night;
 Such was the glorious entry of our king,
 Enriching moisture drop'd on every thing:
 Plenty he sow'd below, and cast about him light.

But then (alas) to thee alone,
 One of old *Gideon's* miracles was shown,
 For every tree, and every herb around,
 With pearly dew was crown'd,
 And upon all the quickened ground,
 The fruitful seed of heaven did brooding lye,
 And nothing but the Muses fleece was drye.

It did all other threats surpass,
 When God to his own people said,
 (The men whom thro' long wandrings he had
 led)

That he would give them ev'n a heav'n of
 brass;
 They look'd up to that heav'n in vain,
 That bounteous heav'n, which God did not
 restrain,
 Upon the most unjust to shine and rain.

V.

The *Rachael*, for which twice seven years and
 more

Thou didst with faith and labour serve,
 And didst (if faith and labour can) deserve,

I

Though

Though she contracted was to thee,
 Giv'n to another who had store
 Of fairer, and of richer wives before,
 And not a *Leah* left, thy recompence to be.
 Go on, twice seven years more thy fortune try,
 Twice seven years more, God in his bounty may
 Give thee, to fling away
 Into the courts deceitful lottery.
 But think how likely 'tis that thou
 With the dull work of thy unwieldy plough,
 Should'st in a hard and barren season thrive,
 Should even able be to live;
 Thou, to whose share so little bread did fall,
 In the miraculous year, when *Manna* rain'd on all.

VI.

Thus spake the muse, and spake it with a smile,
 That seem'd at once to pity and revile,
 And to her thus raising his thoughtful head,
 The melancholy *Cowley* said :
 Ah wanton foe, dost thou upbraid
 The ills which thou thyself hast made ?
 When in the cradle, innocent I lay,
 Thou, wicked spirit, stolest me away,
 And my abused soul didst bear
 Into thy new-found worlds I know not where,
 Thy golden *Indies* in the air ;
 And ever since I strive in vain
 My ravished freedom to regain :
 Still I rebel, still thou dost reign,
 Lo, still in verse against thee I complain.

There

AND POLITICAL.

115

There is a sort of stubborn weeds;
Which, if the earth but once, it ever breeds;
No wholesome herb can near them thrive,
No useful plant can keep alive;
The foolish sports I did on thee bestow,
Make all my art and labour fruitless now;
Where once such fairies dance, no grass doth ever
grow.

VII.

When my new mind had no infusion known,
Thou gav'st so deep a tincture of thine own,
That ever since I vainly try
To wash away th' inherent dye:
Long work perhaps may spoil thy colours quite,
But never will reduce the native white;
To all the ports of honour and of gain,
I often steer my course in vain,
Thy gale comes cross and drives me back again.
Thou slack'nest all my nerves of industry,
By making them so oft to be
The tinkling strings of thy loose minstrelsie.
Whoever this world's happiness would see,
Must as entirely cast off thee,
As they who only heaven desire,
Do from the world retire.
This was my error, this my gross mistake,
Myself a demy-votary to make,
Thus with *Sapphira*, and her husband's fate,
(A fault which I, like them, am taught too late)
For all that I gave up, I nothing gain,
And perish for the part which I retain.

VIII.

Teach me not then, O thou fallacious Muse,
The court, and better king t' accuse ;
The heaven under which I live is fair ;
The fertile soil will a full harvest bear ;
Thine, thine is all the barrenness; if thou
Mak'st me sit still and sing, when I should plough,
When I but think how many a tedious year
Our patient sov'reign did attend
His long misfortunes fatal end ;
How chearfully, and how exempt from fear,
On the great sovereign's will he did depend,
I ought to be accurst, if I refuse
To wait on his, O thou fallacious muse !
Kings have long hands (they say) and though I be
So distant, they may reach at length to me.
However, of all princes thou
Should'st not reproach rewards for being small or
slow ;
Thou who rewardest but with popular breath,
And that too after death.

D I A L O G U E III.
ON THE
Golden Age of *Q. Elizabeth.*

B E T W E E N
The Hon. ROBERT DIGBY, Dr. ARBUTHNOT,
and Mr. ADDISON.

O C C A S I O N E D B Y
A View of KENELWORTH CASTLE, in the Year 1716.

Reliquias veterumque vides monimenta virorum.

VIRG.

HÆC GENERA VIRTUTUM non solum in moribus nostris, sed
vix jam in libris reperiuntur: Chartæ quoque, quæ illam
pristinam severitatem continebant, obsoleverunt.

CICERO.

D I A L O G U E III.

Mr. DIGBY, Dr. ARBUTHNOT, and
Mr. ADDISON *.

IT happened, in the summer of the year 1716, that Dr. *Arbuthnot* and Mr. *Addison* had occasion to take a journey together into *Warwickshire*. Mr. *Digby*, who had received intelligence of their motions, contrived to give them the meeting at *Warwick*; where they intended to pass a day or two, in visiting the curiosities of that

* Besides the curiosity of the matter debated in the two following Dialogues, there is a farther circumstance to recommend them, that they were written, as I think we are to conclude, by the Hon. ROBERT DIGBY. This appears from some internal marks, which the attentive reader will observe; but chiefly from the little resemblance the style of the dialogue has to that of the other two speakers. The length and particularity of the recital may give occasion to suspect, that it was drawn up with some liberty in the *form*, though, doubtless, with great exactness as to the *substance* of the conversation.--- All we knew before of the ingenious writer, was from the few letters of his extant in *Pope's* works; which, together with the esteem had of him by that excellent person, speak, indeed, very strongly in his favour.

fine town, and the more remarkable of those remains of antiquity that are to be seen in its neighbourhood. These were matter of high entertainment to all of them; to Dr. *Arbutnot*, for the pleasure he had in recollecting the ancient times; to Mr. *Addison*, on account of some reflexions of another kind he was fond of indulging on such occasions; and to Mr. *Digby*, from a mere motive of curiosity, and the love of seeing and observing whatever was most remarkable, whether in the past ages, or the present.

Amongst other things that amused them, they were much taken with the great church at *Warwick*. They entertained themselves with the several histories, which so many old monuments recalled to their memory*. The famous inscription of Sir FULK GREVIL occasioned many reflexions; especially to Mr. DIGBY, who had used to be much affected with the fame and fortunes of the accomplished Sir PHILIP SYDNEY. The glory of the house of WARWICK was also an ample field of meditation. But what chanced to take their attention most, was the monument of the great earl of LEICESTER. It recorded his titles at full length, and was, besides, richly decorated with sculpture, displaying the various ensigns and trophies of his greatness. The pride of this minister had never appeared to them so conspicu-

* For the account of these *Monuments*, and of *Kenelworth-Castle*, see the plans and descriptions of *Dugdale*.

ous, as in the legends and ornaments of his tombstone; which had not only outlived his family, but seemed to assure itself of immortality, by taking refuge, as it were, at the foot of the altar. These funeral honours engaged them in some common reflexions on the folly of such expedients to perpetuate human grandeur; but at the same time, as is the usual effect of these things, struck their imaginations very strongly. They readily apprehended what must have been the state of this mighty favourite in his life-time, from what they saw of it in this proud memorial, which continued in a manner to insult posterity so many years after his death. But understanding that the fragments at least of his supreme glory, when it was flourishing at its height, were still to be seen at *KENELWORTH*, which they knew could be at no great distance, they resolved to visit them the next day, and indulge to the utmost the several reflexions which such scenes are apt to inspire. On inquiry they found it was not more than five or six miles to the castle; so that by starting early in the morning, they might easily return to dinner at *Warwick*. They kept to their appointment so well, that they got to *Kenelworth* in good time, and had even two or three hours on their hands to spend, in taking an exact view of the place.

It was luckily one of those fine days, which our travellers would most have wished for, and which indeed are most agreeable in this season;

it was clear enough to afford a distinct prospect of the country, and to set the objects they wanted to take a view of in a good light, and yet was so conveniently clouded as to check the heat of the sun, and make the exercise of walking, of which they were likely to have a good deal, perfectly easy to them.

When they alighted from the coach, the first object that presented itself, was the principal GATEWAY of the castle. It had been converted into a farm-house, and was indeed the only part of these vast ruins that was inhabited. On their entrance into the *inner-court*, they were struck with the sight of many mouldring towers, which preserved a sort of magnificence even in their ruins. They amused themselves with observing the vast compass of the whole, with marking the uses, and tracing the dimensions of the several parts. All which it was easy for them to do by the very distinct traces that remained of them, and especially by means of *Dugdale's* plans and descriptions, which they had taken care to consult. After rambling about for some time, they clambered up a heap of ruins, which lay on the west-side the court: and thence came to a broken tower, which, when they had mounted some steps, let them out into a path-way on the tops of the walls. From this eminence they had a very distinct view of the several parts they had before contemplated; of the *gardens* on the north-side;
of

of the *winding meadow* that encompassed the walls of the castle, on the west and south; and had, besides, the command of the country round about them for many miles. There was something so august in the mingled prospect of so many antique towers falling into rubbish, and in the various beauties of the *landskape*, that they were all of them, as it were, suspended in admiration, and continued silent for some time.

At length, recovering himself, I perceive, said Dr. *Arbutnot*, we are all of us not a little affected with the sight of these ruins. They even create a melancholy in me; and yet a melancholy of so delightful a kind, that I would not exchange it, methinks, for any brisker sensation. The experience of this effect hath often led me to enquire, how it is that the mind, even while it laments, finds so great a pleasure in visiting these scenes of desolation. Is it, continued he, from the pure love of antiquity, and the amusing train of reflexions into which such remains of ancient magnificence naturally lead us?

I know not, returned Mr. *Addison*, what pain it may give you to contemplate these triumphs of time and fortune. For my part, I am not sensible of the mixt sensation you speak of. I feel a pleasure indeed; but it is sincere, and, as I conceive, may be easily accounted for. 'Tis nothing

thing more, I believe, than a fiction of the imagination, which makes me think I am taking a revenge on the once prosperous and overshadowing height, *PRÆUMBRANS FASTIGIUM*, as somebody expresses it, of inordinate greatness. It is certain, continued he, this theatre of a great statesman's pride, the delight of many of our princes, and which boasts of having given entertainment to one of them in a manner so splendid, as to claim a remembrance, even in the annals of our country, would now, in its present state, administer ample matter for much insulting reflexion. "Where, one might ask, are the tilts and tournaments, the princely shews and sports which were once so proudly celebrated within these walls? where are the pageants, the studied devices and emblems of curious invention, that set the court at a gaze, and even transported the high soul of our *ELIZABETH*? where now, pursued he, (pointing to that which was formerly a canal, but at present is only a meadow with a small rivulet running through it) where is the floating island, the blaze of torches that eclipsed the day, the lady of the lake, the filken nymphs her attendants, with all the other fantastic exhibitions surpassing even the whimsies of the wildest romance? what now is become of the revelry of feasting? of the minstrelsy, that took the ear so delightfully as it babbled along the valley, or floated on the surface of this lake? see there the smokeless kitchens, stretching to a length that might give room
for

for the sacrifice of a hecatomb; the vaulted hall, which mirth and jollity have set so often in an uproar; the rooms of state, and the presence-chamber; what are they now but void and tenantless ruins, clasped with ivy, open to wind and weather, and presenting to the eye nothing but the ribs and carcase, as it were, of their former state? And see, said he, that proud gate-way, once the mansion of a surly porter*, who, partaking of the pride of his lord, made the crouds wait, and refused admittance, perhaps, to nobles whom fear or interest drew to these walls, to pay their homage to their master; see it now the residence of a poor and humble tenant, who turns the key but to let himself out to his daily labour,

* The speaker's idea of lord LEICESTER's porter agrees very well with the character he sustained on the queen's reception at *Kenelworth*; as we find it described in a paper of good authority written at that time. "Here a PORTER, tall of person, big of limbs, stark of countenance—with club and keys of quantity according; in a rough speech, full of passion in metre, while the queen came within his ward, burst out in a great pang of impatience to see such uncouth trudging to and fro, such riding in and out, with such din and noise of talk, within his charge; whereof he never saw the like, nor had any warning once, nor yet could make to himself any cause of the matter. At last, upon better view and advertisement, he proclaims open gates and free passage to all; yields over his club, his keys, his office and all, and on his knees humbly prays pardon of his ignorance and impatience. Which her highness graciously granting, &c."---

A letter from an attendant in court to his friend a citizen and merchant of *London*. From the court at *Worcester*, 20 Aug. 1575.

to

to admit him to a short meal, and secure his nightly slumbers. All is solitude and silence. No voice of suitors to be heard. No hand sollicit the brazen knocker, which disuse and rust have long since disabled for its functions. Yet, by a strange reverse of fortune, this threshold of state, this remotest outwork of greatness, hath outlived the glory of the rest, and hath even drawn to itself the whole of that little note and credit which time hath continued to this once pompous building. For while the rest of it is crumbled into shapeless ruins, and is prophaned, as we there see, by the vilest uses, this remnant is left entire, sheltered and closed in from bird and beast, and even affords some decent room in which the *human face divine* is not ashamed to shew itself."

While Mr. *Addison* went on in this vein, his two friends stood looking at each other; as not conceiving what might be the cause of his expressing himself with so uncommon a vehemence. When the fit was over, I confess, said Dr. *Arbutnot*, this is no bad topic for a moralist to declaim upon. And, though it be a trite one, we know how capable it is of being adorned by him who, on a late occasion, could meditate so finely on the TOMBS AT WESTMINSTER *. But surely, proceeded he, you warm yourself in this contem-

* In the First Volume of the SPECTATOR.

plation, beyond what the subject requires of you. The vanity of human greatness is seen in so many instances, that I wonder to hear you harangue on this with so peculiar an exultation. There is no travelling ten miles together in any part of the kingdom without stumbling on some ruin, which, though perhaps not so considerable as this before us, would furnish occasion, however, for the same reflexions. There would be no end of moralizing over every broken tower, or shattered fabric, which calls to mind the short-lived glories of our ancestors.

True, said Mr. *Addison*; and, if the short continuance of these glories were the only circumstance, I might well have spared the exultation, you speak of, in this triumph over the shattered remnants of *Kenelworth*. But there is something else that fires me on the occasion. It brings to mind the fraud, the rapine, the insolence of the potent minister who vainly thought to immortalize his ill-gotten glory by this proud monument. Nay, further, it awakens an indignation against the prosperous tyranny of those wretched times, and creates a generous pleasure in reflecting on the happiness we enjoy under a juster and more equal government. Believe me, I never see the remains of that greatness which arose in the past ages, on the ruins of public freedom and private property, but I congratulate with myself on living at a time, when the meanest subject is as free
and

and independent as those royal minions; and when his property, whatever it be, is as secure from oppression as that of the first minister. And I own this congratulation is not the less sincere, for considering that the instance before us is taken from the reign of the virgin queen, which it hath been the fashion to cry up above that of any other of our princes *. I desire no other confutation of so strange unthankful a preference, than the sight of this vast castle, together with the recollection of those means by which its master arrived at his enormous greatness.

Your indignation then, replied Dr. *Arbutnot*, is not so much of the moral, as political kind. But is not the conclusion a little too hasty, when, from the instance of one over-grown favourite, you infer the general infelicity of the time in which he flourished? I am not, I assure you, one of those unthankful men who forget the blessings they enjoy under a prince of more justice and moderation than queen *Elizabeth*, and under a better constitution of government than prevailed in the days of our forefathers. Yet, setting aside some particular dishonours of that reign (of

* From the acrimony, with which the speaker here and elsewhere in these dialogues, condemns the humour of magnifying the character of *Elizabeth*, one would almost imagine he had foreseen, by a kind of political divination, the factious use, that was one day to be made of this argument. See the *Craftsman*, and *Remarks on the history of England*.

which,

which, let the tyranny of *Leicester*, if you will, be one) I see not but the acknowledged virtues of that princess, and the wisdom of her government may be a proper foundation for all the honours that posterity have ever paid to her.

Were I even disposed to agree with you, returned Mr. *Addison*, I should not have the less reason for triumphing as I do on the present state of our government. For, if such abuses could creep in, and be suffered for so many years under so great a princess, what was there not to fear (as what, indeed, did not the subject actually feel) under some of her successors? But to speak my mind frankly, I see no sufficient grounds for the excessive prejudice that hath some how taken place in favour of the GOLDEN REIGN, as it is called, or ELIZABETH. I find neither the wisdom, nor the virtue in it, that can entitle it to a preference before all other ages.

On the contrary, said Dr. *Arbutnot*, I never contemplate the monuments of that time, without a silent admiration of the virtues that adorned it. Heroes and sages croud in upon my memory. Nay, the very people were of a character above what we are acquainted with in our days. I could almost fancy, the soil itself wore another face, and, as you poets imagine, on some occasions, that our ancestors lived under a brighter sun and happier climate than we can boast of.

To be sure, said Mr. *Addison*, smiling; or, why not affirm, in the proper language of romance, that the women of those days were all chaste, and the men valiant? But cannot you suspect at least that there is some enchantment in the case, and that your love of antiquity may possibly operate in more instances than those of your favourite *Greeks* and *Romans*? Tell me honestly, pursued he, hath not this distance of a century and a half a little imposed upon you? do not these broken towers, which moved you just now to so compassionate a lamentation over them, dispose you to a greater fondness for the times, in which they arose, than can be fairly justified?

I will not deny, returned Dr. *Arbuthnot*, but we are often very generous to the past times, and unjust enough to the present. But I think there is little of this illusion in the case before us. And since you call my attention to these noble ruins, let me own to you that they do indeed excite in me a veneration for the times, of which they present so striking a memorial. But surely not without reason. For there is scarce an object in view that doth not revive the memory of some distinguishing character of that age, which may justify such veneration.

Alas, interrupted Mr. *Addison*, and what can these objects call to mind but the memory

ry of barbarous manners and a despotic government.

For the *government*, replied Dr. *Arbutnot*, I do not well conceive how any conclusion about that can be drawn from this fabric. The MANNERS I was thinking of; and I see them strongly expressed in many parts of it. But whether barbarous or not, I could almost take upon me to dispute with you. And why indeed, since you allowed yourself to declaim on the vices, so apparent, as you suppose, in this monument of antiquity, may not I have leave to consider it in another point of view, and present to you the virtues, which, to my eye at least, are full as discernible?

You cannot, continued he, turn your eyes on any part of these ruins, without encountering some memorial of the virtue, industry, or ingenuity of our ancestors.

Look there, said he, on that fine room (pointing to the HALL, that lay just beneath them) and tell me if you can help respecting the HOSPITALITY which so much distinguished the palaces of the great in those simpler ages. You gave an invidious turn to this circumstance, when you chose to consider it only in the light of wasteful expence and prodigality. But no virtue is privileged from an ill name. And on second thoughts I persuade myself it will appear you have injured

this, by so uncandid an appellation. Can it deserve this censure, that the lord of this princely castle threw open his doors and spread his table for the reception of his friends, his followers, and even for the royal entertainment of his sovereign? Is any expence more proper than that which tends to conciliate * friendships, spread the interests of society, and knit mankind together by a generous communication in these advantages of wealth and fortune? The arts of a refined sequestered luxury were then unknown. The same bell that called the great man to his table, invited the neighbourhood all around, and proclaimed a holiday to the whole country †. Who does not feel the decorum, and understand the benefits of this magnificence? the pre-eminence of rank and fortune was nobly sustained: the sub-

* It is remarkable that *Lucian* uses the same expression.—
ΦΙΛΙΑΣ ΜΕΕΙΤΗΝ ΤΡΑΠΕΖΑΝ. "Ezæus, c. 27.

† Besides this sort of hospitality, there was another still more noble and disinterested, which distinguished the early times, especially the purer ages of chivalry. It was customary, it seems, for the great lords to fix up HELMETS on the roofs and battlements of their castles, as a signal of hospitality to all adventurers and noble passengers. "Adoncques estoit une coustume en la grant Bretagne (says the author of the old romance, called PERCEFOREST) et fut tant que charité regna illecque, tous gentils hommes et nòbles dames faisoient mettre au plus hault de leur hostel ung heaulme, en SIGNE que tous gentils hommes et gentilles femmes trespasans les chemins, entraissent hardyement en leur hostel comme en leur propre; car leurs biens estoient davantage à tous nobles hommes et femmes trespasans le royaume." Vol. iii. f. 103.

ordination

ordination of society preserved : and yet the envy, that is so apt to attend the great, happily avoided. Hence the weight and influence of the old nobility, who engaged the love, at the same time they commanded the veneration of the people. In the mean time rural industry flourished ; private luxury was discouraged ; and in both ways that frugal simplicity of life, our country's grace and ornament in those days, was preserved and promoted.

It would spoil your panegyric, I doubt, said Mr. *Addison*, to observe the factious use that was made of this magnificence, and the tendency it had to support the pride and insolence of the old nobility. The interest of the great, I am afraid, was but another name for the slavery of the people.

I see it, Dr. *Arbutnot* said, in a different light ; and so did our princes themselves, who could not but be well informed of the proper effects of that interest. They considered the weight of the nobility as a counterpoise to their own sovereignty. It was on this account they had used all means to lessen their influence. But the consequence was beside their expectation. The authority of the crown fell with it : and, which was still less expected by political men, the liberty of the people, after it had wantoned for a time, sunk under the general oppression. It was

then discovered, but a little of the latest, that public freedom throve best when it wound itself about the stock of the ancient nobility. In truth, it was the defect, not the excess of patrician influence, that made way for the miseries of the next century.

You see then it is not without cause that I lay a stress, even in a political view, on this popular hospitality of the great in the former ages*.

But, lest you think I sit too long at the table, let us go on to the TILTYARD, which lies just before us; that school of fortitude and honour to our generous forefathers. A younger fancy, than mine, would be apt to kindle at the sight. And our sprighlier friend here, I dare say, has already taken fire at the remembrance of the gallant exercises which were celebrated in that quarter.

* A famous politician of the last century expresseth himself to much the same purpose after his manner. "Henceforth, says he [that is, after the statutes against retainers in Hen. VII's reign] the country lives, and *great tables* of the nobility, which no longer nourished veins that would bleed for them, were fruitless and loathsome till they changed the air, and of princes became *courtiers*; where their revenues, never to have been exhausted by beef and mutton, were found narrow; whence followed racking of rents, and, at length, sale of lands." Sir JAMES HARRINGTON'S OCEANA, p. 40. Lond. 1656.

Mr.

Mr. *Digby* owned, he had a secret veneration for the manly games of that time, which he had seen so triumphantly set forth in the old poets and romancers,

Right, said Mr. *Addison*; it is precisely in that circumstance that the enchantment consists. Some of our best wits have taken a deal of idle pains to enoble a very barbarous entertainment, and recommend it to us under the specious name of gallantry and honour. But Mr. *Digby* sees through the cheat. Not that I doubt, continued he, but the doctor, now he is in the vein of panegyric, will lay a mighty stress on these barbarities; and perhaps compare them with the exercises in the *Roman* circus, or the *Olympic* barriers.

And why not? interrupted Dr. *Arbutnot*. The tendency of all three was the same; to invigorate the faculties both of mind and body; to give strength, grace, and dexterity to the limbs; and fire the mind with a generous emulation of the manly and martial virtues.

Why truly, said Mr. *Addison*, I shall not deny that all *three*, as you observe, were much of the same merit. And now your hand is in for this sort of encomium, do not forget to celebrate the

sublime taste of our forefathers for *bear-baiting**, as well as *tiling*; and tell us too, how gloriously the mob of those days, as well as their betters, used to belabour one another.

I confess, said Dr. *Arbutnot*, the softness of our manners makes it difficult to speak on this

* True it is, that this divertisement of *bear-baiting* was not altogether unknown in the age of *Elizabeth*, and, as it seemeth, not much disliked of master *Stow* himself, who hath very-graphically described it. He is speaking of the *Danish* ambassador's reception and entertainment at *Greenwich*, in 1586. "As the better sort, saith he, had their convenient disports, so were not the ordinary people excluded from competent pleasure. For, upon a green, very spacious and large, where thousands might stand and behold with good contentment, there *bear-baiting* and *bull-baiting* (tempered with other merry disports) were exhibited; whereat it cannot be spoken of what pleasure the people took.

For it was a sport alone, of these beasts, continueth the historian, to see the bear with his pink eyes leering after his enemies; the nimbleness and wait of the dog to take his advantage; and the force and experience of the bear again to avoid the assaults: if he were bitten in one place, how he would pinch in another to get free; and if he were once taken, then what shift with biting, clawing, roring, tugging, grasping, tumbling, and tossing, he would work to wind himself away; and, when he was loose, to shake his ears with the blood and flaver about his phisnomy, was a pittance of good relief. The like pastime also of the bull.---And now the day being far spent, and the sun in its declination, the ambassador withdrew to his lodging, by barge, to *Crispy's* place; where, no doubt, THIS DAY'S SOLEMNITY WAS THOUGHT UPON AND TALKED OF"—p. 1562.

subject

subject without incurring the ridicule you appear so willing to employ against me. But you must not think to banter me out of my good opinion of these gymnastics by a little raillery, which has its foundation only in modern prejudices. For it is no secret, that the gravest and politest men of antiquity were of my mind. You will hardly suspect *Plato* of incivility, either in his notions or manners. And need I remind you how much he insists on the gymnastic discipline? without which he could not have formed, or at least have supported his republic.

It was upon this principle, I suppose then, said Mr. *Digby*, or perhaps in imitation of his *Græcian* master, that our *MILTON* laid so great a stress on this discipline in his *TRACTATE OF EDUCATION*. And before him, in the very time you speak of, *ASCHAM*, I observe, took no small pains, to much the same purpose, in his *Toxophilus*.

It is very clear, resumed Dr. *Arbutnot*, from these instances, and many more that might be given, that the ancients were not singular in their notions on this subject. But since you have drawn me into a grave defence of these exercises, let me further own to you, that I think the *Gothic* tilts and tournaments exceeded, both in use and elegance, even the *Græcian* gymnastics. They were a more direct image of war, than any
of

of the games of *Olympia*. And if *Xenophon* could be so lavish in his praises on the *Persian* practice of hunting, because it had some resemblance to the exercise of arms, what would he not have said of an institution, which has all the forms of a real combat? But there was an elegance, too, in the conduct of the tournament, that might reconcile it even to modern delicacy. For, besides the splendor of the shew; the dexterity with which these exercises were performed; and the fancy that appeared in their accoutrement, dresses, and devices; the whole contest was enobled with an air of gallantry that must have had a great effect in refining the manners of the combatants. And yet this gallantry had no ill influence on morals; for, as you insulted me just now, it was the odd humour of those days for the women to pride themselves in their chastity*, as well as the men in their valour.

* If the reader be complaisant enough to admit the fact, it may be accounted for, on the ideas of chivalry, in the following manner. The knight forfeited all pretensions to the favour of the ladies, if he failed, in any degree, in the point of valour. And, reciprocally, the claim which the ladies had to protection and courtesy from the order of knights, was founded singly in the reputation of chastity, which was the female point of honour. “Ce droit que les dames avoient sur la chevalerie (says M. DE LA CUNNE DE STE. PALAYE) devoit être conditionel : il supposoit que leur conduite et leur reputation ne les rendoient point indignes de l'espece d'association qui les unissoit à cet ordre uniquement fondé sur l'honneur.

In

In short, I consider the *tourney*, as the best school of civility as well as heroism. “High-erected thoughts, seated in a heart of courtesy” as an old writer well expresses it, was the proper character of such as had been trained in this discipline.

No wonder then, pursued he, the old poets and romance-writers took so much pains to immortalize these trials of manhood. It was but what *Pindar* and *Homer* himself, those old masters of romance, had done before them. And how could it be otherwise? the shew itself, as I said, had something very taking in it; whilst every graceful attitude of person, with every generous movement of the mind, afforded the finest materials for description. And I am even ready to believe, that what we hear censured in their writings, as false, incredible, and fantastical, was frequently but a just copy of life, and that there was more of truth and reality † in their representati-

Par celle voye (says an old *French* writer, the chevalier DE LA TOUR, about the year 1371) les bonnes se craignoient et se tenoient plus fermes de faire chose dont elles peussent perdre leur honneur et leur estat. *Si wouldroye que celui temps fust revenu, car je pense qu'il n'en seroit pas tant de blasphemées comme il est à present.*

* The extent and accuracy of Dr. *Arbuthnot's* learning are here worth observing. What he hints at, in passing, of the reality of these representations, hath been lately shewn at large in a learned memoir on this subject, which the reader will find in Tom. XX. of HIST. DE L'ACAD. DES DESCRIPTIONS ET BELLES LETTRES.

ons, than we are apt to imagine. Their notions of honour and gallantry were carried to an elevation *, which, in these degenerate days, hurts

* This representation of things in the ages of chivalry, agrees very well with what we are told by the author of the memoir, just quoted. " Les premières leçons, (says he, speaking of the manner in which the youth are educated in the houses of the great, which were properly the schools of those times) qu'on leur donnoit, regardoient principalement *l'amour de dieu, et des dames*, c'est-à-dire, la religion, et la galanterie. Mais autant la dévotion qu'on leur inspiroit étoit accompagnée de puerilités et de superstitions, autant l'amour des dames, qu'on leur recomman-
doit, étoit il rempli de RAFFINEMENT et de FANATISME. Il semble qu'on ne pouvoit, dans ces siècles ignorans et grossiers, présenter aux hommes la religion sous une forme assez matérielle pour la mettre à leur portée; ni leur donner, en même tems, une idée de l'amour assez pure, assez métaphysique, pour prévenir les desordres & les excès, dont étoit capable une nation qui conservoit par-tout le caractère impétueux qu'elle montrait à la guerre." Tom. XX. p. 600.

One sees then the origin of that furious gallantry which runs through the old romances. And so long as the *refinement and fanaticism*, which the writer speaks of, were kept in full vigour by the force of institution and the fashion of the times, the morals of these courteous knights might, for any thing I know, be as pure as their apologist represents them. At the same time it must be confessed, that this discipline was of a nature very likely to relax itself under another state of things, and certainly to be misconstrued by those who should come to look upon these pictures of a *refined and spiritual passion*, as incredible and fantastic. And hence, no doubt, we are to account for that censure which a famous writer, and one of the ornaments of *Elizabeth's* own age, passeth on the old books of chivalry. His words are these: " In our fathers time no-
the

the credit of their story ; just as I have met with men that have doubted whether the virtues of the *REGULI* and the *SCIPIO*'s of ancient fame were not the offspring of pure fancy.

Nay now, Dr. *Arbutnot*, said Mr. *Addison*, you grow quite extravagant. What you, who are used to be so quick at espying all abuses in science, and defects in good taste, turn advocate for these fopperies ! Mr. *Digby* and I shall begin to think you banter us, in this apology for the ancient gymnastics, and are only preparing

thing was read but books of chivalry, wherein a man, by reading, should be led to none other end, but only to *man-slaughter* and *baudrye*. If any man suppose they were good enough to pass the time withal, he is deceived. For surely vain words do work no small thing in vain, ignorant, and young minds, especially if they be given any thing thereunto of their own nature." He adds, like a good protestant, " These books, as I have heard say, were made the most part in abbeyes and monasteries ; a very likely and fit fruit of such an idle and blind kind living."

Præf. to ASCHAM'S TOXOPHILUS. 1571.

I thought it but just to set down this censure of Mr. *Ascham* over-against the candid representation of the *French* memorialist.—However, what is said of the influence which this ancient institution had on the character of his countrymen, is not to be disputed. " Les preceptes d'amour repandoient dans le commerce des dames ces considerations et ces egards respectueux, qui n'ayant jamais été effacés de l'esprit des François, ont toujours fait en des caractères distinctifs de notre nation."

a chap-

a chapter for the facetious memoirs *, you sometimes promise us.

Never more in earnest, I assure you, replied the doctor. I know what you have to object to these pictures of life and manners. But if they will not bear examining as copies, they may deserve to be imitated, as models. And their use, methinks, might atone for some defects in the article of probability.

For my part, I consider the legends of ancient chivalry in a very serious light,

As *niches*, fill'd with statues, to invite
Young valours forth—†

as *Ben Johnson*, a valorous hardy poet, and who, himself, would have made a good knight-errant, justly says of them. For it is certain, they had this effect. The youth, in general, were fired with the love of martial exercises. They were early formed to habits of fatigue and enterprize. And, together with this warlike spirit, the profession of chivalry obliged to every other virtue

* I suppose of SCRIBLERUS. And notwithstanding the doctor's serious air in this conversation, the design, imputed to him, seems to have been executed. See chap. vi. of that learned work, *On the ancient Gymnastics*.

† MASQUES, p. 181. *Walley's* edition.

that

that is the ornament of humanity. Affability, courtesy, generosity, veracity, these were the qualifications most pretended to by the men of arms, in the days of pure and uncorrupted chivalry. We do not perhaps, ourselves, know, at this distance of time, how much we are indebted to the force of this singular institution. But this I may presume to say, that the men, among whom it arose and flourished most, had prodigious obligations to it. No policy, even of an ancient legislator, could have contrived a better expedient to cultivate the manners and tame the spirits of a rude and ignorant people. I could almost fancy it providentially introduced among the northern nations, to break the fierceness of their natures, and prevent that brutal savageness and ferocity of character, which were otherwise to have been expected in the dark ages.

Nay, the generous sentiments it inspired, perhaps contributed very much to awaken an emulation of a different kind; and to bring on those days of light and knowledge which have disposed us, somewhat unthankfully, to vilify and defame it. This is certain, that the first essays of wit and poetry, those harbingers of returning day to every species of good letters, were made in the bosom of chivalry, and amidst the assemblies of noble dames, and courteous knights. And we may even observe, that the best of our modern
princes

princes, such as have been most admired for their personal virtues, and have been most concerned in restoring all the arts of civility and politeness, have been passionately addicted to the feats of ancient prowess. In the number of these, need I remind you of the courts of FRANCIS I. and and HENRY IV. to say nothing of our own EDWARDS and HENRYS, and that mirror of all their virtues in one, our renowned and almost romantic * ELIZABETH.

* This romantic spirit of the queen may be seen as well in her *amours*, as military achievements. “ Ambiri, coli ob formam, et AMORIBUS, etiam inclinâtâ jam ætate, videri voluit; de FABULOSIS INSULIS per illam relaxationem renovatâ quasi memoriâ in quibus EQUITES AC STRENUI HOMINES ERABANT, et AMORES, fœditate omni prohibitâ, gènerosè per VIRTUTEM exercebant.”

THUANI HIST. Tom. VI. p. 172.

The observation of the great historian is confirmed by FRANCIS OSBORNE, Esq. who, speaking of a contrivance of the *Cecilian* party to ruin the earl of *Essex*, by giving him a rival in the good graces of the queen, observes——“ But the whole result concluding in a duel, did rather inflame than abate the former account she made of him : the opinion of a CHAMPION being more splendid (in the weak and romantic sense of women, that admit of nothing fit to be made the object of a quarrel but themselves) and far above that of a captain or general. So as Sir EDMUND CARY, brother to the lord HUNSDEN, then chamberlain and near kinsman to the queen, told me, that, though she chid them both, nothing pleased her better than a conceit she had, that her *beauty* was the cause of this quarrel, when, God knows, it grew from the stock of honour, of which then they were very tender.” — *Mem. of queen ELIZABETH*, p. 456.

But you think I push the argument too far. And less than this may dispose you to conceive with reverence of the scene before us, which must ever be regarded as a nursery of brave men, a very seed-plot of warriors and heroes. I consider the successes at the barriers, as preludes to future conquests in the field. And, as whimsical a figure as a young tilter may make in your eye, who will say that the virtue was not formed here, that triumphed at AXELL and bled at ZUTPHEN?

We shall very readily, replied Mr. *Addison*, acknowledge the bravery and other virtues of the

But nothing shews the romantic disposition of the queen, and indeed of her times, more evidently than the TRIUMPH, as it was called; devised and performed with great solemnity, in honour of the *French* commissioners, in 1581. The contrivance was for four of her principal courtiers, under the quaint appellation of "four foster-children of DESIRE," to besiege and carry by dint of arms "THE FORTRESS OF BEAUTY; intending, by this courtly ænigma, nothing less than the queen's majesty's own person. — The actors in this famous triumph, were, the earl of ARUNDEL; the lord WINDSOR, master PHILIP SIDNEY, and master FOLK GREVIL." And the whole was conducted so entirely in the spirit and language of knight errantry, that nothing in the *Arcadia* itself is more romantic. See the account at large in *Stow's* continuation of *Holingshead's* chronicles, p. 1316,---1321.

To see the drift and propriety of this triumph, it is to be observed, that the business which brought the *French* commissioners into *England*, was, the great affair of the queen's marriage with the duke of *Alençon*.

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young

young hero, whose fortunes you hint at. He was, in truth, to speak the language of that time, the very flower of knighthood, and contributed more than any body else, by his pen, as well as sword, to throw a lustre on the profession of chivalry. But the thing itself, however adorned by his wit, and recommended by his manners, was barbarous; the offspring of *Gothic* fierceness; and shews the times, which favoured it so much, to have already emerged from their original rudeness and brutality*. You may celebrate, as loudly as you please, the deeds of these wonder-working knights. Alas, what affinity have such prodigies to our life and manners? The old poet, you quoted just now with approbation, shall tell us the difference:

These were bold stories of our *Arthur's* age:
But here are other acts, another stage
And scene appears; it is not since as then;
No giants, dwarfs, or monsters here, but MEN.

Or, if you want a higher authority, we should not, methinks, on such an occasion as this, forget the admirable *Cervantes*, whose ridicule hath

* Something having been here said (but slightly and perfunctorily, as the manner of conversation is) of the *rise* and *genius* of chivalry, the editor has been content to wade a little deeper into this argument, in a dissertation, which may hereafter see the light, if his learned pains in this publication be candidly accepted.

brought

brought eternal dishonour on the profession of knight-errantry.

With your leave, interrupted Dr. *Arbutnot*, I have reason to except against both your authorities. At best, they do but condemn the *abuses* of chivalry, and the madness of continuing the old romantic spirit in times when, from a change of manners and policy, it was no longer in season. Adventures, we will say, were of course to cease, when giants and monsters disappeared. And yet have they totally vanished out of the world, and have giants and monsters been no where heard of out of the castles and forests of our old romancers? 'Tis odds, methinks, but in the sense of *Elizabeth's* good subjects, PHILIP II. might be a *giant* at least: and without a little of this adventurous spirit, it may be a question whether all her enchanters, I mean her *Burleighs* and *Walsinghams*, would have proved a match for him. I mention this the rather to shew you, how little obligation his countrymen have to your *Cervantes* for laughing away the remains of that prowess, which was the best support of the *Spanish* monarchy.

As if, said Mr. *Addison*, the prowess of any people were only to be kept alive by their running mad. But let the case of the *Spaniards* be what it will, surely we, of this country, have little obligation to the spirit of chivalry, if it were only that it produced, or encouraged at least, and

hath now entailed upon us that curse of the DUELLO; which even yet domineers in the fashionable world, in spite of all that wit, and reason, and religion itself have done to subdue it. 'Tis true, at present this law of arms is appealed to only in the case of some high point of nice and mysterious honour. But in the happier days you celebrate, it was called in aid, on common occasions. Even questions of right and property, you know, were determined at the barriers*: and brute force was allowed the most equitable, as well as shortest, way of deciding all disputes both concerning a man's estate and honour.

You might observe too, interposed Dr. *Arbutnot*, that this was the way in which those fiercer disputes concerning a mistress, or a kingdom, were frequently decided. And, if this sort of decision, in such cases, were still in use among *Christian* princes, you might call it perhaps a barbarous custom, but would it be ever the worse, do you think, for their good subjects?

Perhaps it would not, returned Mr. *Addison*, in some instances. And yet will you affirm that

* There was an instance of this kind, and perhaps the latest upon record in our history, in the thirteenth year of the queen, when "a combat was appointed to have been fought for a certain manor, and demain lands belonging thereto, in *Kent*." The matter was compromised in the end. But not till after the usual forms had been observed, by the two parties: of which we have a curious and circumstantial detail in *Holingshead's chronicles*, p. 1225.

those *good subjects* were in any enviable situation, under their fighting masters? After all, allowing you to put the best construction you can on these usages of our forefathers,

— “ all we find
Is, that they did their work, and din’d.

And, though such feats may argue a sound athletic constitution, you must excuse me if I am not forward to entertain any high notions of their civility.

Their civility, said Dr. *Arbutnot*, is another consideration. The HALL and TILTYARD are certainly good proofs of what they are alledged for, the hospitality and bravery of our ancestors. But it hath not been maintained, that these were their only virtues. On the contrary, as it seems to me, every flower of humanity, every elegance of art and genius, was cultivated amongst them. For an instance, need we look any farther than the LAKE, which in the flourishing times of this castle was so famous, and which we even now trace in the winding bed of that fine meadow?

I don’t understand you, replied Mr. *Addison*. I can easily imagine what an embellishment that lake must have been to the castle; but am at a loss to conceive what flowers of wit and ingenuity, to use your own ænigmatical language, could be raised, or so much as watered, by it.

And have you then, returned Dr. *Arbutnot*, so soon forgotten the large description, you gave us just now, of the shews and pageants displayed on this lake? And can any thing better declare the art, invention, and ingenuity of their conductors? Is not this canal as good a memorial of the ardour and success with which the finer exercises of the mind were pursued in that time, as the tiltyard, we have now left, is of the address and dexterity shewn in those of the body?

I remember, said Mr. *Addison*, that many of the shews, intended for the queen's entertainment at this place, were exhibited on that canal. But as to any art or beauty of contrivance—

“ You see none, I suppose.”

Why truly none, replied Mr. *Addison*. To me they seemed but well enough suited to the other barbarities of the time. “ The lady of the Lake and her train of Nereids,” was not that the principal? And can it pass for any thing better than a jumble of *Gothic* romance and *Pagan* fable? A barbarous modern conceit, varnished over with a little classical pedantry?

And is that the best word you can afford, said Dr. *Arbutnot*, to these ingenious devices? The business was to welcome the queen to this palace, and at the same time to celebrate the honours of her government. And what more decent way
of

of complimenting a great prince, than through the veil of fiction? Or what so elegant way of entertaining a learned prince, as by working up that fiction out of the old poetical story? And if something of the *Gothic* romance adhered to these classical fictions, it was not for any barbarous pleasure, that was taken in this patchwork, but that the artist found means to incorporate them with the highest grace and ingenuity. For what, in other words, was the *lady of the Lake* (the particular that gives most offence to your delicacy) but the presiding nymph of the stream, on which these shews were presented? And if the contrivance was to give us this nymph under a name that romance had made familiar, what was this but taking advantage of a popular prejudice to introduce his fiction with more address and probability?

But see the propriety of the scene itself, for the designer's purpose, and the exact decorum with which these fanciful personages were brought in upon it. It was not enough that the pagan deities were summoned to pay their homage to the queen. They were the deities of the fount and ocean, the watry nymphs and demi-gods: and these were to play their part in their own element. Could any preparation be more artful for the panegyric designed on the naval glory of that reign? Or, could any representation be more grateful to the queen of the ocean, as *Eli-*

zabeth was then called, than such as expressed her sovereignty in those regions? Hence the sea-green Nereids, the Tritons, and Neptune himself were the proper actors in the drama. And the opportunity of this spacious lake gave the easiest introduction, and most natural appearance to the whole scenery. Let me add, too, in further commendation of the taste which was shewn in these agreeable fancies, that the attributes and dresses of the deities themselves were studied with care; and the most learned poets of the time employed to make them speak, and act in perfect character. So that an old *Greek* or *Roman* might have applauded the contrivance, and have almost imagined himself assisting at a religious ceremony in his own country; at a time too, when those superstitions were best understood, and conducted with the greatest exactness.

And, to shew you that all this propriety was intended by the designer himself, and not imagined at pleasure by his encomiast, I remember, that, when some years after the earl of HERTFORD had the honour to receive the queen at his seat in *Hampshire*, because he had no such canal as this in readiness on the occasion, he set on a vast number of hands to hollow a basin in his park for that purpose. With so great diligence and so exact a decorum were these entertainments conducted!

Did

Did not I tell you, interposed Mr. *Addison*, addressing himself to Mr. *Digby*, to what an extravagance the doctor's admiration of the ancient times would carry him? Could you have expected all this harangue on the art, elegance, and decorum of THE PRINCELY PLEASURES OF KENELWORTH*? And must not it divert you to see the unformed genius of that age tricked out in the graces of a *Roman* or even *Attic* politeness?

Mr. *Digby* acknowledged, it was very generous in the doctor to represent, in so fair a light, the amusements of the ruder ages. But I was thinking, said he, to what cause it could possibly be owing, that these pagan fancies had acquired so general a consideration in the days of *Elizabeth*.

The general passion for these fancies, returned Dr. *Arbutnot*, was a natural consequence of the revival of learning. The first books that came into vogue were the poets. And nothing could be more amusing to rude minds, just opening to a taste of letters, than the fabulous story of the pagan gods, which is constantly interwoven in

* Alluding to a tract, so called, by GASCOIGNE, an attendant on the court, and poet of that time, who hath given us a narrative of the entertainments that passed on this occasion at *Kenelworth*.

every piece of ancient poetry. Hence the imitative arts of *sculpture*, *painting*, and *poetry* were immediately employed in these pagan exhibitions. But this was not all. The first artists in every kind were, of *Italy*; and it was but natural for them to act these fables over again on the very spot, that had first produced them. These, too, were the masters to the rest of *Europe*. So that *fashion* concurred, with the other prejudices of the time, to recommend this practice to the learned. From them the enthusiasm spread itself to the great; whose supreme delight it was to see the wonders of the old poetical story brought forth, and realized, as it were, before them*.

* Hence then it is, that a celebrated dramatic writer of those days, represents the entertainment of MASKS and SHEWS, as the highest indulgence that could be provided for a luxurious and happy monarch. His words are these;

“ Music and poetry are his delight,
Therefore I'll have *Italian* masques by night,
Sweet speeches, comedies, and pleasing shews:
And in the day, when he shall walk abroad,
Like SYLVAN NYMPHS, my pages shall be clad:
My men like SATYRS, grazing on the lawns,
Shall with their goat-feet dance the antic hay.
Sometimes a lovely boy, in DIAN's shape,
With hair that gilds the water as it glides,
Crowns of pearls about his naked arms,
And in his sportful hands an olive-tree,
Shall bathe him in a spring, and there hard by,
One, like ACTEON, peeping through the grove,
Shall by the angry goddess be transform'd---
Such things as these best please his majesty.

And

And what, in truth, could they do better? For, if I were not a little afraid of your raillery, I should desire to know what courtly amusements even of our time are comparable to the shews and masques which were the delight and improvement of the court of *Elizabeth*. I say, the *improvement*; for, besides that these shews were not in the number of the INERUDITÆ VOLUPTATES, so justly characterised and condemned by a wise ancient, they were even highly useful and instructive. These devices, composed out of the poetical history, were not only the vehicles of compliment to the great on certain solemn occasions, but of the soundest moral lessons, which were artfully thrown in, and recommended to them by the charm of poetry and numbers. Nay, some of these masques were moral dramas in form, where the virtues and vices were impersonated. We know the cast of their composition by what we see of these fictions in the next reign; and have reason to conceive of them with reverence when we find the names of FLETCHER and JOHNSON * to some of them. I say nothing

And how exactly this dramatist painted the humour of the times, we may see from the entertainment provided, not many years after, for the reception of king *James* at ALTHROP in *Northamptonshire*; where this very design of *sylvan nymphs, satyrs*, and *Alceon*, was executed in a masque by *B. Johnson*.

* Whom his friend *Mr. Selden* characteriseth in this manner,

—“ Omnia carmina doctus
Et calles mythæ plasmata et historiam.”

TIT. OF HON. p. 446.
of

of JONES and LAWES, though all the elegance of their respective arts was called in to assist the poet in the contrivance and execution of these entertainments.

And, now the poets have fallen in my way, let me further observe, that the manifest superiority of this class of writers in *Elizabeth's* reign, and that of her successor, over all others who have succeeded to them, is, amongst other reasons, to be ascribed to the care with which these moral representations were then cultivated. This taught them to animate and impersonate every thing. And though the original of this practice be owing, as it always is, to rude conception, yet the improvements of it are the reason that we find in the phraseology and mode of thinking of that time, and of that time only, the essence of the truest and sublimest poetry.

Without doubt, Mr. *Addison* said, the poetry of that time is of a better taste than could well have been expected from its barbarism in other instances. But such prodigies, as *Shakespeare* and *Spenser*, would do great things in any age, and under every disadvantage.

Most certainly they would, returned Dr. *Arbutnot*, but not the things that you admire so much in these immortal writers. And, if you
will

will excuse the intermixture of a little philosophy in these ramblings, I will attempt to account for it. There is, I think, in the revolutions of taste and language, a certain point, which is more favourable to the purposes of poetry, than any other. It may be difficult to fix this point with exactness. But we shall hardly mistake in supposing it lies somewhere between the rude essays of uncorrected fancy, on the one hand, and the refinements of reason and science, on other. And this I take to have been the condition of our language in the age of *Elizabeth*. It was pure, strong, and perspicuous without affectation. At the same time, the high figurative manner, which fits a language so peculiarly for the uses of the poet, had not yet been controlled by the prosaic genius of philosophy and logic. Indeed this character had been struck so deeply into the *English* tongue, that it was not to be removed by any ordinary improvements in either. The reason of which might be, the delight which was taken by the *English* very early in their old MYSTERIES and MORALITIES, and the continuance of the same spirit in succeeding times, by means of their MASQUES and TRIUMPHS. And something like this, I observe, attended the progress of the *Greek* and *Roman* poetry; which was the truest poetry, on the clown's maxim in *Shakespeare*, because it was *the most feigning*. It had its rise,
you

you know, like ours, from religion. And pagan religion, of all others, was the properest to introduce and encourage a spirit of allegory and moral fiction. Hence we easily account for the allegoric cast of their old dramas, which hold very much of the nature of our ancient moralities. NECESSITY is brought in as a *person of the drama*, in one of *Æschylus's* plays, and DEATH, in one of *Euripides*; to say nothing of many shadowy persons in the comedies of *Aristophanes*. The truth is, the pagan religion deified every thing, and delivered these deities into the hands of their painters, sculptors, and poets. In like manner, christian superstition, or, if you will, modern barbarism, *impersonated* every thing; and these persons, in proper form, subsisted for some time on the stage, and almost to our days in the masques. Hence the picturesque style of our old poetry; which looks so fanciful in *Spenser*, and which *Shakespeare's* genius hath carried to the utmost sublimity.

I will not deny, said Mr. *Addison*, but there may be something in this deduction of the causes by which you account for the strength and grandeur of the *English* poetry, unpolished as it still was in the hands of *Elizabeth's* great poets. But for the masques themselves—

I have

I have no mind, interrupted Dr. *Arbutnot*, to engage in a further vindication of them. I only conclude, that the taste of the age, the state of letters, the genius of the *English* tongue, was such as gave a manliness to their compositions of all sorts, and even an elegance to those of the lighter forms, which we might do well to emulate, and not deride, in this æra of politeness.

But I am aware, as you say, I have been transported too far. My design was only to hint to you, in opposition to your invective against the memory of the old times, awakened in us by the sight of this castle, that what you objected to is capable of a much fairer interpretation. You have a proof of it, in two or three instances; in their festivals, their exercises, and their poetical fictions: or, to express myself in the classical forms, you have seen by this view of their CONVIVIAL, GYMNASTIC, and MUSICAL character, that the times of *Elizabeth* may pass for golden, notwithstanding what a fondness for this age of baser metal may incline some persons to represent it.

In the mean time, these smaller matters have drawn me aside from my main purpose. What surprized me most, pursued he, was to hear
you

you speak so slightly, I would not call it by a worse name, of the GOVERNMENT of *Elizabeth*. Of the manners and tastes of different ages, different persons, according to their views of things, will judge very differently. But plain facts speak so strongly in favour of the policy of that reign, and the superior talents of the sovereign, that I could not but take it for the wantonness of opposition in you to espouse the contrary opinion. And, now I am warmed by this slight skirmish, I am even bold enough to dare you to a defence of it; if indeed you were serious in advancing that strange paradox. At least, I could wish to hear upon what grounds you would justify so severe an attack on the reverend administration of that reign, supported by the wisdom of such men as CECIL and WAL-SINGHAM, under the direction of so accomplished a princess as our ELIZABETH. Your manner of defending even the wrong side of the question will, at least, be entertaining. And, I think, I may answer for our young friend that his curiosity will lead him to join me in this request to you.

Mr. *Addison* said, He did not expect to be called to so severe an account of what had escaped him on this subject. But, though I was ever so willing, continued he, to oblige you, this is no time or place for entering on such a controversy. We have not yet completed the round

of these buildings. And I would fain, methinks, make the circuit of that pleasant meadow. Besides its having been once, in another form, the scene of those shews you described so largely to us, it will deserve to be visited for the sake of the many fine views which, as we wind along it, we may promise to ourselves of these ruins.

You forget my bad legs, said Dr. *Arbutnot* smiling; otherwise, I suppose, we can neither of us have any dislike to your proposal. But, as you please: let us descend from these heights. We may resume the conversation, as we walk along, and especially, as you propose, when we get down into that valley.

D I A L O G U E IV.
ON THE
Golden Age of *Q. Elizabeth.*

B E T W E E N
The Hon. ROBERT DIGBY, Dr. ARBUTHNOT,
and Mr. ADDISON.

Hæc memini, et victum frustra contendere Thyrsin.

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DIALOGUE IV.

MR. DIGBY, DR. ARBUTHNOT, and
MR. ADDISON.

BUT do you consider, said Mr. *Addison*, as they descended into the valley, what an invidious task you are going to impose upon me? One cannot call in question a common opinion in any indifferent matter, without the appearance of some degree of perverseness. But to do it in a case of this importance, where the greatest authorities stand in the way, and the glory of one of our princes is concerned, will, I doubt, be liable to the imputation of something worse than singularity. For, besides that you will be apt to upbraid me, in the words of the poet,

—Nullum memorabile nomen

Fœmineâ in pœnâ est, nec habet victoria laudem,

such a liberty of censure is usually taken for an argument, not of discourtesy or presumption only, but of ill nature. At best, the attempt to arraign the virtues and government of *Eliza-*

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beth,

beth, will appear but like the idleness of the old sophists, who, you know, were never so well pleased as when they were controverting some acknowledged fact, or assailing some established character.

That censure might be just enough, Dr. *Arbutnot* said, of the old sophists, who had nothing in view but the credit of their own skill in the arts of disputation. But in this friendly debate, which means nothing more than private amusement, I see no colour for such apprehensions.

But what shall we say, interposed Mr. *Addison*, to another difficulty? the subject is immensely large; and it seems no easy matter to reduce it into any distinct order. Besides, my business is not so much to advance any thing of my own, as to object to what others have advanced of the same and virtues of *Elizabeth*. And to this end, I must desire to know the particulars on which you are disposed to lay the greatest stress, and indeed to have some plan of the subject delivered in to me, which may serve, as it were, for the ground-work of the whole conversation.

I must not presume, said Dr. *Arbutnot*, to prescribe the order in which your attack on the great queen shall be conducted. The subject, indeed, is large. But this common route of history is well known to all of us. To that then
you

you may well enough refer, without being at the trouble, before you go to work, of laying foundations. Or, if you will needs have a basis to build upon, what if I just run over the several circumstances which I conceive to make most for the credit of that reign? A sketch of this sort, I suppose, will answer all the ends of the plan you seem to require of me.

Mr. *Addison* agreed to this proposal, which he thought would be of use to shorten the debate, or at least to render the progress of it more clear and intelligible.

In few words then, resumed Dr. *Arbutnot*, the reasons, that have principally determined me to an admiration of the government and character of queen *Elizabeth*, are such as these: "That she came to the crown with all possible disadvantages; which yet, by the prudence and vigour of her counsels, she entirely overcame: that she triumphed over the greatest foreign and domestic dangers; that she humbled the most formidable power in *Europe* by her arms; and composed, or checked at least, by the firmness of her administration, two, the most implacable and fiery factions at home: that she kept down the rebellious spirit of *Ireland*, and eluded the constant intrigues of her restless neighbours, the *Scots*: that she fixed our religious establishment on solid grounds, and countenanced, or rather conduct-

ed, the Protestant cause abroad : that she made her civil authority respected by her subjects ; and raised the military glory of the nation, both by sea and land, to the greatest height : that she employed the ablest servants, and enacted the wisest laws : by all which means it came to pass that she lived in a constant good understanding with her parliaments, was idolized by her people, and admired and envied by all the rest of the world."

Alas, said Mr. *Addison*, I shall never be able to follow you through all the particulars of this encomium ; and, to say the truth, it would be to little purpose ; since the wisdom of her policy, in all these instances of her government, can only be estimated from a careful perusal of the histories of that time ; too numerous and contradictory to be compared and adjusted in this conversation. All I can do, continued he, after taking a moment or two to recollect himself, is to abate the force of this panegyric by some general observations on the CIRCUMSTANCES and GENIUS of that time ; and then to consider the personal QUALITIES of the queen, which are thought to reflect so great a lustre on her government.

As you please, Dr. *Arbuthnot* replied. We shall hardly lose ourselves in this beaten field of history. And, besides, as your undertaking is so adventurous, it is but reasonable you should have the choice of your own method.

You

You are in the common opinion, I perceive, resumed Mr. *Addison*, that *Elizabeth's* government was attended with all possible disadvantages. On the contrary, it appears to me, that the security and even splendor of her reign is chiefly to be accounted for from the FORTUNATE circumstances of her situation.

Of these, the first that demands our notice is the great affair of religion.

The principles of PROTESTANTISM had now for many years been working among the people. They had grown to that head in the short reign of *Edward VI.* that the bloody severities of his successor served only to exasperate the zeal with which these principles had been embraced and promoted. *Elizabeth*, coming to the crown at this juncture, was determined, as well by interest as inclination, to take the side of the new religion. I say by *interest* as well as inclination. And, I think, I have reason for the assertion. For though the persons in power, and the clergy throughout the kingdom were generally professed papists, yet they were most of them such as had conformed in king *Edward's* days, and were not therefore much to be feared for any tie their *profession* could really have on their consciences. Whereas, on the other hand, it was easy to see from many symptoms, that the general bent of the nation

tion was towards protestantism ; and that too followed with a spirit which must in the end prevail over all opposition. Under these circumstances then it was natural for the queen, if she had not been otherwise led by her principles, and the interest of her title, to favour the reformation.

The truth is, she came into it herself so heartily, and provided so effectually for its establishment, that we are not to wonder she became the idol of the reformed, at the same time that the papal power through all *Europe* was confederated against her. The enthusiasm of her protestant subjects was prodigious. It was raised by other considerations ; but confirmed in all orders of the state, by the ease they felt in their deliverance from the tyranny of the church, and, in the great especially, by the sweets they tasted in their enjoyment of the church-revenues. It was, in short, one of those extraordinary conjunctures in which the public danger becomes the public security ; when religion, and policy, conscience and interest, unite their powers to support the authority of the prince, and to give fidelity, vigour, and activity, to the obedience of the subject.

And thus it was, continued he, that so warm and unconquerable a zeal appeared in defence of the queen against all attempts of her enemies. Her people were so thoroughly protestant as to think

think no expence of her government too great, provided they could but be secured from relapsing into popery. And her parliaments, were disposed to wave all disputes about the stretch of her prerogative, from a sense of their own and the common danger.

In magnifying this advantage of the zeal and union of *Elizabeth's* good subjects, you forget, said Dr. *Arbutnot*, that two restless and inveterate factions were contending all her life-time within her own kingdom.

I am so far from forgetting that circumstance, returned Mr. *Addison*, that I esteem it ANOTHER of the great advantages of her situation.

The contrary tendencies of those factions in some respects defeated each other. But the principal use of them was, that by means of their practices, some domestic plot, or foreign alarm, was always at hand to quicken the zeal and inflame the loyalty of her people. But to be a little more particular about the factions of her reign.

The PAPIST was, in truth, the only one she had reason to be alarmed at. The PURITAN had but just begun to shew himself, though indeed with that ferocity of air and feature which signified clearly enough what spirit he was of, and
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what, in good time, he was likely to come to. Yet even he was kept in tolerable humour by a certain commodious policy of the queen, which was so to divide her regards betwixt the church and the puritans, as made it the interest of both to keep well with her. 'Tis true, these last felt the weight of her resentment sometimes when they ventured too sawcily to oppose themselves to the establishment. But this was rarely, and by halves: and when checked with the most rigour, they had the satisfaction to see their patrons continue in the highest places at court, and, what is more, in the highest degree of personal favour.

And what doth all this shew, interrupted Dr. *Arbutnot*, but that she managed so well as to disarm a furious faction, or rather make it serve against the bent of its nature, to the wise ends of her government?

As to any wise ends of government, I see none, replied Mr. *Addison*, deserving to be so called, that were answered by her uncertain conduct towards the puritans. For she neither restrained them with that severity which might perhaps have prevented their growth at first, nor shewed them that entire indulgence which might have disabled their fury afterwards. It is true, this temporizing conduct was well enough adapted to prevent disturbances in her own time. But large materials were laid in for that terrible combustion

bustion which was soon to break forth under one of her successors.

And so, instead of imputing the disasters that followed, said Dr. *Arbuthnot*, to the ill government of the STUARTS, you are willing to lay the whole guilt of them on this last and greatest of the TUDORS. This is a new way of defending that royal house; and methinks, they owe you no small acknowledgments for it. I confess it never occurred to me to make that apology for them.

Though I would not undertake, said Mr. *Addison*, to make their apology from this, or any other circumstance, I do indeed believe, that part of the difficulties the house of *Stuart* had to encounter, were brought upon them by this wretched policy of their predecessor. But, waving this consideration, I desire you will take notice of what I chiefly insist upon, "That the ease and security of *Elizabeth's* administration was even favoured by the turbulent practices and clashing views of her domestic factions." The PURITAN was an instrument, in her hands, of controlling the church, and of balancing the power of her ministers: besides, that this sort of people were, of all others, the most inveterate against the common enemy. And for the PAPISTS themselves (not to insist that of course they would be strictly watched, and that they were not, perhaps, so considerable

siderable as to create any immediate danger *) the general abhorrence, both of their principles and designs, had the greatest effect in uniting more closely, and cementing, as it were, the affections of the rest of her subjects. So that, whether within or without, the common danger, as I expressed it, was the common safety.

Still, said Dr. *Arbutnot*, I must think this a very extraordinary conclusion. I have no idea of the security of the great queen, surrounded as she was, by her domestic and foreign enemies.

Her foreign enemies, returned Mr. *Addison*, were less formidable than they appear at first view. And I even make the condition of the neighbouring powers on the continent, in her time, a THIRD instance of the signal advantages of her situation.

It is true, if a perfect union had subsisted between the catholic princes, the papal thunders would have carried terror with them. But, as it was, they were powerless and ineffectual. The civil wars of *France*, and a constant jealousy of

* This will be admitted, if a calculation said to have been made by themselves of their number at that time may be relied on—"They make reckoning (saith Sir EDWIN SANDYS, in his *Speculum Europæ*, written in 1699) of forty hundred sure catholics in *England*, with four hundred *English Roman* priests to maintain that militia, p. 157.

Spain, left the queen but little to apprehend from that quarter. The *Spanish* empire indeed was vast, and under the direction of a bigotted vindictive prince. But the administration was odious and corrupt in every part. So that wise men saw there was more of bulk than force in that unwieldy monarchy. And the successful struggles of a handful of his subjects, inflamed by the love of liberty, and made furious by oppression, proclaimed its weakness to all the world.

It may be true, interrupted Dr. *Arbutnot*, that the queen had less to fear from the princes on the continent than is sometimes represented. But you forget, in this survey of the public dangers, the distractions of IRELAND, and the restless intrigues of her near neighbours the SCOTS : both of them assisted by *Spain* ; and these last under the peculiar influence and direction of the GUISES.

You shall have my opinion, returned Mr. *Addison*, in few words.

For the IRISH distractions, it was not the queen's intention, or certainly it was not her fortune to compose them : I mean, during the greatest part of her reign ; for we are now speaking of the general tenor of her policy. Towards the close of it, indeed, she made some vigorous attempts to break the spirits of those savages. And it was high time she should. For, through her faint proceedings against them, they had
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grown to that insolence as to think of setting up for an independency on *England*. Nay, the presumption of that arch-rebel TYRONE, countenanced and abetted by *Spain*, seemed to threaten the queen with still further mischiefs. The extreme dishonour, and even peril of this situation, roused her old age, at length, to the resolution of taking some effectual measures. The preparation was great, and suitable to the undertaking. It must further be owned, it succeeded; but so late, that she herself did not live to see the full effect of it. However, this success is reckoned among the glories of her reign. In the mean time, it is not considered that nothing but her ill policy, in suffering the disorders of that country to gather to a head, made way for this glory. I call it her *ill-policy*, for (unless it were rather owing to her excessive frugality *) one can hardly help thinking she designed to perpetuate the *Irish* dis-

* Mr. CAMDEN owns that the *Irish* rebellion, which in the end became so dangerous, had been "encouraged by a slighting of it, and a grapple handeness of *England*." [*Hist. of Elizabeth*, B. iv.]—To the same purpose another eminent writer of that time—"Before the transmitting of the last great army, the forces sent over by Q. *Elizabeth* were not of sufficient power to break and subdue all the *Irishry*." At last, however, "The extreme peril of losing the kingdom; the dishonour and danger that might thereby grow to the crown of *England*; together with a just disdain conceived by that great-minded queen, that so wicked and ungrateful a rebel should prevail against her, who had ever been victorious against all her enemies, did move and almost ENFORCE her to send over that mighty army. [Sir. J. DAVIES' *Discovery of the State of Ireland*, p. 97. Lond. 1613.]
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tractions. At least it was agreeable to a favourite maxim of hers, to check, and not to suppress them. And I think it clear from the manner of prosecuting the war, that, till this last alarm, she never was in earnest about putting an end to it.

SCOTLAND, indeed, demanded a more serious attention. Yet the weak-distracted counsels of that court—a minor king—a captive queen—and the unsettled state of *France* itself, which defeated in a good degree the malice of the *Guises*—were favourable circumstances.

But to be fair with you (for I would appear in the light of a reasonable objector, not a sophistical wrangler) I allow her policy in this instance to have been considerable. She kept a watchful eye on the side of *Scotland*. And, though many circumstances concurred to favour her designs, it must be owned they were not carried without much care and some wisdom.

I understand the value of this concession, replied Dr. *Arbutnot*. It must have been no common degree of both that extorted it from you.

I decline entering further, said Mr. *Addison*, into the public transactions of that reign, if it were only that, at this distance of time, it may be no easy matter to determine any thing of the
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policy with which they were conducted. Only give me leave to add as a FOURTH instance of the favourable circumstances of the time, "That the prerogative was then in its height, and that a patient people allowed the queen to use it on all occasions." Hence the apparent vigour and firmness of her administration: and hence the opportunity, which is so rarely found in our country, of directing the whole strength of the nation to any end of government, which the glory of the prince or the public interest demanded.

What you impute to the high strain of prerogative, returned Dr. *Arbutnot*, might rather be accounted for from the ability of her government, and the wise means she took to support it. The principal of these was, by employing the GREATEST MEN in the several departments of her administration. Every kind of merit was encouraged by her smile *, or rewarded by her bounty. Virtue, she knew, would thrive best on its native stock, a generous emulation. This she promoted by all means; by her royal counte-

* Sir ROBERT NAUNTON tells us, "The queen was never profuse in delivering out of her treasure, but paid her servants, part in money, and the rest with GRACE; which, as the case stood, was then taken for good payment." [FRAG. REG. p. 89.] And NAT. BACON to the same purpose, "A wise man, that was an eye-witness of HER actions, and those that succeeded to her, many times hath said, That a courtier might make a better meal of one good LOOK from her, than of a gift from some other." [Disc. Part II. p. 266. *Lond.* 1651.]

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nance, by a temperate and judicious praise, by the wisest distribution of her preferments. Hence would naturally arise that confidence in the queen's counsels and undertakings, which the servile awe of her prerogative could never have occasioned. This is the true account of the loyalty, obedience, and fidelity by which her servants were distinguished. And thus, in fact, it was that throughout her kingdom there was every where that reverence of authority *, that sense of honour, that conscience of duty, in a word, that gracious simplicity of manners, which renders the age of *Elizabeth* truly GOLDEN : as presenting the fairest picture of humanity that is to be met with in the accounts of any people.

It is true, as you say, interposed Mr. *Addison*, that this *picture is a fair one*. But of what is it a copy ? of the GENIUS of the time, or of the queen's virtues ? You shall judge for yourself, after I have laid before you two remarkable

* This *reverence of authority*, one of the characteristics of that time, and which Mr. *Addison* presently accounts for, a great writer celebrates in these words—"It was an ingenious uninquisitive time, when all the passions and affections of the people were lapped up in such an innocent and humble obedience, that there was never the least contestation nor capitulation with the queen, nor (though she very frequently consulted with her subjects) *any further reasons urged of her actions, than HER OWN WILL*." See a Tract intitled *THE DISPARITY*, in Sir *H. Wotton's Remains*, p. 46. supposed to have been written by the earl of *Clarendon*.

events of that age, which could not but have the greatest effects of the public manners; I mean, THE REFORMATION OF RELIGION, and, what was introductory of it, THE RESTORATION OF LETTERS. From these, as their proper sources, I would derive the ability and fidelity of *Elizabeth's* good subjects.

The passion for LETTERS was extreme. The novelty of these studies, the artifices that had been used to keep men from them, their apparent uses, and, perhaps, some confused notion of a certain diviner virtue, than really belongs to them, these causes concurred to excite a curiosity in all, and determined those, who had leisure, as well as curiosity, to make themselves acquainted with the *Greek* and *Roman* learning. The ecclesiastics, who, for obvious reasons, would be the first and most earnest in their application, were not the only persons transported with this zeal. The gentry and nobility themselves were seized with it. A competent knowledge of the old writers was looked upon as essential to a gentleman's education. So that *Greek* and *Latin* became as fashionable at court in those days, as *French* is in ours. *Elizabeth* herself, which I wonder you did not put me in mind of, was well skilled in both*;

* PAULUS HENTZNERUS, a learned *German*, who was in *England* in 1598, goes still further in his encomium on the queen's skill in languages. He tells us that, "præterquàm quòd Græcè Latinè eleganter est docta, tener, ultra jam me-
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they say, employed her leisure in making some fine translations out of either language. It is easy to see what effect this general attention to letters must have on the minds of the liberal and well educated. And it was a happiness peculiar to that age, that learning, though cultivated with such zeal, had not as yet degenerated into pedantry : I mean, that, in those stirring and active times, it was cultivated, not so much for shew, as use ; and was not followed, as it soon came to be, to the exclusion of other generous and manly applications.

morata idiomata, etiam Hispanicum, Scoticum, et Belgicum." See his *Itinerarium*.

But this was the general character of the great in that reign ; at least, if we may credit Master WILLIAM HARRISON, who discourseth on the subject before us in the following manner : "This further is not to be omitted, to the singular commendation of both sorts and sexes of our courtiers here in *England*, that there are very few of them, which have not the use and skill of sundry speeches, beside an excellent vein of writing, before-time not regarded. Truly it is a rare thing with us now, to hear of a courtier which hath but his own language. And to say how many gentlewomen and ladies there are, that, beside sound knowledge of the *Greek* and *Latin* tongues, are thereto no less skillful in the *Spanish*, *Italian*, and *French*, or in some one of them, it resteth not in me : sith I am persuaded, that as the noblemen and gentlemen do surmount in this behalf, so these come very little or nothing behind them for their parts ; which industry God continue, and accomplish that which otherwise is wanting." *Description of England*, p. 196.

Consider

Consider too the effects which the alterations in religion had produced. As they had been lately made, as their importance was great, and as the benefits of the change had been earned at the expence of much blood and labour, all these considerations begot a zeal for religion which hardly ever appears under other circumstances. This zeal had an immediate and very sensible effect on the morals of the reformed. It improved them in every instance; especially as it produced a chearful submission to the government, which had rescued them from their former slavery, and was still their only support against the returning dangers of superstition. Thus religion, acting with all its power, and that too heightened by gratitude and even self-interest, bound obedience on the minds of men with the strongest ties *. And luckily for the queen, that obe-

* Amongst these *ties*, it is wonderful the speaker overlooked the *prejudice of education*; especially as such uncommon methods were used to make it effectual to the purpose here mentioned.—A book, called EIPH NAPXIA, five ELIZABETHA, was written in *Latin* verse by one OCKLAND, containing the highest panegyrics on the queen's character and government, and setting forth the transcendent virtues of her ministers. This book was enjoined by authority to be taught, as a classic author, in grammar schools, and was of course to be gotten by heart by the young scholars throughout the kingdom.

This was a matchless contrivance to imprint a sense of loyalty on the minds of the people. And, though it flowed, as we are to suppose, from a tender regard, in the advisers of it, for the interests of protestantism in that reign; yet its uses are
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dience was further secured to her by the high uncontroverted notions of royalty, which at that time obtained among the people.

Lay all this together, and then tell me where is the wonder, that a people, now emerging out of ignorance; uncorrupted by wealth, and therefore undebauched by luxury; trained to obedience, and nurtured in simplicity; but above all, caught with the love of learning and religion, while neither of them was worn for fashion-sake, or, what is worse, perverted to the ends of vani-

ty so apparent in any reign, and under any administration, that nothing but the moderation of her successors, and the reasonable assurance of their ministers that their own acknowledged virtues were a sufficient support to them, could have hindered the expedient from being followed.

But, though the stamp of public authority was wanting, private men have attempted, in several ways, to supply this defect. To instance only in one. The protestant queen was to pass for a mirror of *good government*: hence the *Ἐνναγῆς*. Her successor would needs be thought a mirror of *eloquence*: and hence the noble enterprize I am about to celebrate. "Mr. GEORGE HERBERT (I give it in the grave historian's own words) being prælector in the rhetoric school in *Cambridge*, in 1618, passed by those fluent orators, that domineered in the pulpits of *Athens* and *Rome*, and insisted to read upon an oration of *K. James*, which he analysed; shewed the concinnity of the parts; the propriety of the phrase; the height and power of it to move the affections; the style UTTERLY UNKNOWN TO THE ANCIENTS; who could not conceive what kingly eloquence was, in respect of which those noted demagogi were but hirelings and triobolary rhetoricians." *Bishop HACKET's life of archbishop WILLIAMS*, p. 175.

ty or ambition ; where, I say, is the wonder that such a people should present so fair a picture of manners to their admiring panegyrist ?

To be fair with you, it was one of those conjunctures in which the active virtues are called forth, and rewarded. The dangers of the time had roused the spirit, and brought out all the force and genius of the nation. A sort of enthusiasm had fired every man with the ambition of exerting the full strength of his faculties, which way soever they pointed, whether to the field, the closet, or the cabinet. Hence such a crop of soldiers, scholars, and statesmen had sprung up, as have rarely been seen to flourish together in any country. And as all owed their duty, it was the fashion of the times for all to bring their pretensions to the court. So that, where the multitude of candidates was so great, it had been strange indeed if an ordinary discretion had not furnished the queen with able servants of all sorts ; and the rather, as her occasions loudly called upon her to employ the ablest,

I was waiting, said Dr. *Arbutnot*, to see to what conclusion this career of your eloquence would at length drive you. And it hath happened in this case, as in most others where a favourite point is to be carried, that a zeal for it is indulged, though at the expence of some other of more importance. Rather than admit the
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personal virtues of the queen, you fill her court, nay, her kingdom with heroes and sages: and so have paid a higher compliment to her reign, than I had intended.

To her *reign*, if you will, replied Mr. *Addison*, so far as regards the qualities and dispositions of her subjects; for I will not lessen the merit of this concession with you by insisting, as I might, that their *manners*, respectable as they were, were debased by the contrary, yet very consistent vices of servility and insolence*; and their virtues of every kind deformed by barbarism. But for the queen's own merit in the choice of her servants, I must take leave to declare my sentiments to you very plainly. It may be true, that she possessed a good degree of sagacity in discerning the natures and talents of men. It was the virtue by which, her admirers tell us, she was principally

* It must be owned, a learned foreigner gives this character of the *English* at that time. "Angli, ut ADDICTE SERVIUNT, ita erecti ad dignitates priorem humilitatem INSOLENTIA rependunt." *H. Grotii Ann. L. v. p. 95. Amst. 1657.* Hence the propriety of those complaints, in our great poet, of,

"The whips and scorns of th' time,
Th' oppressor's wrong, the proud man's contumely,
THE INSOLENT OF OFFICE"—

complaints so frequent, and so forcibly expressed by him, that we may believe he painted from his own observation, and perhaps experience, of this insolent misuse of authority. *Measure for Measure*, Act II. Sc. vii.

distinguished.

distinguished. Yet that the high fame of this virtue hath been owing to the felicity of the times, abounding in all sorts of merit, rather than to her own judgment, I think clear from this circumstance, "That some of the most deserving of those days, in their several professions, had not the fortune to attract the queen's grace, in the proportion they might have expected." I say nothing of poor SPENSER. Who has any concern for a poet * ? But if merit alone had determined her majesty's choice, it will hardly at this day admit a dispute, that the immortal HOOKER and BACON † at least had ranked in ano-

* Yet it may seem probable from this poet's conduct in *Ireland*, and his *view of the state of that country*, that his talents for *business* (such as *Cecil* himself must have approved) were no less considerable than for poetry. But he had served a disgraced man; and had drawn upon himself the admiration of the generous earl of *Essex*. So that, as the historian expresseth it, "by a fate, which still follows poets, he always wrestled with poverty, though he had been secretary to the lord *Gray*, lord-deputy of *Ireland*." All that remained for him was, "to be interred at *Westminster*, near to *Chaucer*, at the charge of the earl of *Essex*; his hearse being attended by poets, and mournful elegies and poems, with the pens that wrote them, thrown into his grave." CAMDEN, L. iv.

† The editor professes to believe that the queen had great injustice done her in this imputation, at least with regard to Sir FRANCIS BACON. For he understands she gave a very plausible reason, and doubtless much approved by the grave lawyers and other judicious persons of that time, for her neglect of this gentleman. "She did acknowledge (says the earl of *Essex*, in a letter to Mr. *Francis Bacon*) you had a great wit, ther

ther class than that in which this great discerner of spirits thought fit to leave them.

And her character, continued he, in every other respect is just as equivocal. For having touched one part of it, I now turn from these general considerations on the circumstances and genius of the time, to our more immediate subject, the PERSONAL QUALITIES of *Elizabeth*. Hitherto we have stood aloof from the queen's person. But there is no proceeding a step further in this debate, unless you allow me a little more liberty. May I then be permitted to draw the veil of *Elizabeth's* court, and by the lights, which history holds out to us, contemplate

and an excellent gift of speech, and much other good learning. But in LAW, she rather thought you could make shew, to the utmost of your knowledge, than that you were deep." *Mem. of Q. ELIZABETH, by Dr. BIRCH.*

If it be asked, how the queen came to form this conclusion, the answer is plain. It was from Mr. *Bacon's* having a GREAT WIT, an excellent GIFT OF SPEECH, and much other GOOD LEARNING.

It is true, Sir *Francis Bacon* himself gives another account of this matter. In a letter of advice to Sir *GEORGE VILLIERS*, he says, "In this dedication of yourself to the public, I recommend unto you principally that which I think was never done since I was born—That you countenance and encourage and advance ABLE MEN, in all kinds, degrees, and professions. For in the time of the *CECILS*, father and son, ABLE MEN WERE BY DESIGN AND OF PURPOSE SUPPRESSED. *Cabala*, p. 57. Ed. 1691.—But either way indeed the queen's character is equally saved.

the mysteries that were celebrated in that awful sanctuary?

After so reverend a preface, replied Dr. *Arbutnot*, I think you may be indulged in this liberty. And the rather, as I am not apprehensive that the honour of the illustrious queen is likely to suffer by it. The secrets of her cabinet-council, it may be, are not to be scanned by the profane. But it will be no presumption to step into the drawing-room.

Yet I may be tempted, said Mr. *Addison*, to use a freedom in this survey of her majesty that would not have been granted to her most favoured courtiers. As far as I can judge of her character, as displayed in that solemn scene of her court, she had some apparent VIRTUES, but more genuine VICES; which yet, in the public eye, had equally the fortune to reflect a lustre on her government.

Her gracious affability, her love of her people, her zeal for the national glory; were not these her more obvious and specious qualities? Yet I doubt they were not so much the proper effects of her nature, as her policy; a set of spurious virtues begotten by the very necessity of her affairs.

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For her AFFABILITY, she saw there was no way of being secure amidst the dangers of all sorts, with which she was surrounded, but by ingratiating herself with the body of the people. And, though in her nature she was as little inclined to this condescension as any of her successors, yet the expediency of this measure compelled her to save appearances. And it must be owned she did it with grace, and even acted her part with spirit. Possibly, the consideration of her being a female actor, was no disadvantage to her.

But when she had made this sacrifice to interest, her proper temper shewed itself clearly enough in the treatment of her nobles, and of all that came within the verge of the court. Her caprice, and jealousy, and haughtiness appeared in a thousand instances. She took offence so easily, and forgave so difficultly, that even her principal ministers could hardly keep their ground, and were often obliged to redeem her favour by the lowest submissions. When nothing else would do, they sickened and were even at death's door; from which peril, however, she would sometimes relieve them, but not till she had exacted from them, in the way of penance, a course of the most mortifying humiliations. Nay, the very ladies of her court had no way to maintain their credit with her, but by submitting patiently to the last indignities.

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It is allowed, from the instances you have in view, returned Dr. *Arbutnot*, that her nature was something high and imperious. But these fallies of passion might well enough consist with her general character of affability.

Hardly, as I conceive, answered Mr. *Addison*, if you reflect that these fallies, or rather habits of passion, were the daily terror and vexation of all about her. Her very minions seemed raised for no other purpose, than the exercise of her ill humour. They were encouraged, by her smile, to presume on the royal countenance, and then beaten down again in punishment of that presumption. But, to say the truth, the slavish temper of the time was favourable to such exertions of female caprice and tyranny. Her imperious father, all whose virtues she inherited, had taught her a sure way to quell the spirit of her nobles. They had been long used to stand in awe of the royal frown. And the people were pleased to find their betters ruled with so high a hand at a time when they themselves were addressed with every expression of respect, and even flattery.

She even carried this mockery so far, that, as *Harrington* observes well, “ she converted her reign, through the perpetual love-tricks that passed between her and her people, into a kind
of

of romance." And though that political projector, in prosecution of his favourite notion, supposes the queen to have been determined to these intrigues, by observing that the weight of property was fallen into the popular scale; yet we need look no further, for an account of this proceeding, than the inherent haughtiness of her temper. She gratified the insolence of her nature in neglecting, or rather beating down, her nobility, whose greatness might seem to challenge respect; while the court she paid to the people revolted her pride, less as passing wholly upon herself, as well as others, for a voluntary act of affability. Just as we every day see very proud men carry it with much loftiness towards their equals, or those who are raised to some nearness of degree to themselves, at the same time that they affect a sort of courtesy to such as are confessedly beneath them.

You see then what her boasted affability comes to. She gave good words to her people whom it concerned her to be well with, and whom her pride itself allowed her to *manage*. She insulted her nobles, whom she had in her power, and whose abasement flattered the idea, she doated upon, of her own superiority and importance*.

* It must be confessed, there is some colour for this imputation. She even appears to have rated her courtiers, on certain occasions, in much the same tone as a master might use to his scholars. The lord Mountjoy [then Sir CHARLES BLOUNT]

Let

Let the queen's manner of treating her subjects be what it would, Dr. *Arbutnot* said, it appears to have given no offence in those days, when the sincerity of her intentions was never questioned. Her whole life is a convincing argument, that she bore the most entire affection to her people.

HER LOVE OF HER PEOPLE, returned Mr. *Addison* hastily, is with me a very questionable virtue. For what account shall we give of the multitude of penal Statutes, passed in her reign? Or, because you will say, there was some colour for these; what excuse shall we make for her frequent grants of monopolies, so ruinous to the public wealth and happiness, and so perpetually complained of by her parliaments? You will say, she recalled them. She did so. But not till the general indignation had, in a manner, forced her to recall them. If by her *people*, be

being of a military turn, had stolen over into *France*, without the queen's knowledge, in order to serve in *Bretagne*, under one of her generals. Upon his return, which was hastened too by her express command, "Serve me so again, said the queen, once more, and I will lay you fast enough for running. You will never leave, till you are knocked o'the head, as that inconsiderate fellow *SIDNEY* was. You shall go when I send you. In the mean time see that you lodge in the court, where you may FOLLOW YOUR BOOKS, READ, AND DISCOURSE OF THE WARS." Sir ROBERT NAUNTON'S FR. REG. in L. *Burleigh*.

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meant those of the poorer and baser sort only, it may be allowed she seemed on all occasions willing to spare them. But for those of better rank and fortune she had no such consideration. On the other hand, she contrived, in many ways, to pillage and distress them. It was the tameness of that time to submit to every imposition of the sovereign. She had only to command her gentry on any service she thought fit, and they durst not decline it. How many of her wealthiest and best subjects did she impoverish by these means (though under colour, you may be sure, of her high favour) and sometimes by her very visits? I will not be certain, added he, that her visit to this pompous castle of her own *Leicester*, had any other intention.

But what, above all, are we to think of her vow of celibacy, and her obstinate refusal to settle the succession, though at the constant hazard of the public peace and safety?

You are hard put to it, I perceive, interrupted Dr. *Arbutnot*, to impeach the character of the queen in this instance, when a few penal laws, necessary to the support of her crown in that time of danger; one wrong measure of her government, and that corrected; the ordinary use of her prerogative; and even her virginity, are made crimes of. But I am curious to hear what you have to object to her

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ZEAL FOR THE ENGLISH
GLORY,

GLORY, carried so high in her reign, and the single point, as it seems to me, to which all her measures, and all her counsels were directed.

The *English* glory, Mr. *Addison* said, may, perhaps, mean the state and independency of the crown. And then, indeed, I have little to object. But, in any other sense of the word, I have sometimes presumed to question with myself, if it had not been better consulted by a more effectual assistance of the reformed on the continent; by a more vigorous prosecution of the war against *Spain**; and, as I hinted before, by a more complete reduction of *Ireland*. But say, we are no judges of those high matters. What glory accrued to the *English* name by the insidious dealing with the queen of *Scots*; by the vindictive proceedings against the duke of *Norfolk*; by the merciless persecutions of the unhappy earl of *Essex*? The same spirit, you see, continued

* It must not be dissembled, that so good a judge of military matters as Sir WALTER RALEGH talked much in the same way of the conduct of the *Spanish* war. "If the late queen would have believed her men of war, as she did her scribes, we had, in her time, beaten that great empire in pieces, and made their kings, kings of figs and oranges, as in old times. But her majesty did all by halves, and, by petty invasions, taught the *Spaniard* how to defend himself, and to see his own weakness; which, till our attempts taught him, was hardly known to himself." See his works, vol. i. p. 273. RALEGH, it may be said, was of the *Cecil* faction. But the men of war, of the *Essex* faction, talked exactly in the same strain; which shews that this might probably be the truth.

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from the beginning of this reign to the end of it. And the observation is the better worth attending to, because some have excused the queen's treatment of *Essex*, by saying, "That her nature, in that decline of life, was somewhat clouded by apprehensions; as the horizon, they observe, in the beginning of the brightest day, is apt to be obscured by vapours *." As if this fanciful simile, which illustrates perhaps, could excuse the perverseness of the queen's temper; or, as if that could deserve to pass for an incident of age, which operated through life, and so declares itself to have been the proper result of her nature.

You promised not, interposed Dr. *Arbutnot*, to pry too closely into the secrets of the cabinet. And such I must needs esteem the points to be which you have mentioned. But enough of these beaten topics. I would rather attend you in the survey you promised to take of her court, and of the princely qualities that adorned it. It is from what passes in the inside of his palace, rather than from some questionable public acts, that

* See Sir HENRY WOTTON's *Parallel of the earl of Essex and duke of Buckingham*. The words, however, are a little different: "He [the earl of *Essex*] was to wrestle with a queen's declining, or rather with her very setting age, as we may term it; which, besides other respects, is commonly, even of itself, the more umbratious and apprehensive; as for the most part all horizons are charged with certain vapours towards their evening." REMAINS, p. 11.

the real character of a prince is best determined. And there, methinks, you have a scene opened to you, that deserves your applause. Nothing appears but what is truly royal. Nobody knew better, than *Elizabeth*, how to support the decorum of her rank. She presided in that high orb with the dignity of a great queen. In all emergencies of danger, she shewed a firmness, and on all occasions of ceremony, a magnificence, that commanded respect and admiration. Her very diversions were tempered with a severity becoming her sex and place, and which made her court, even in its lightest and gayest humours, a school of virtue.

These are the points, concluded he, I could wish you to speak to. The rest may be left to the judgment of the historian, or rather to the curiosity of the nice and critical politician.

You shall be obeyed, Mr. *Addison* said. I thought it not amiss to take off the glare of those applauded qualities, which have dazzled the public, at a distance, by shewing that they were either feigned or over-rated. But I come now to unmask the real character of this renowned princess. I shall paint her freely indeed, but truly as she appears to me. And to speak my mind at once, I think it is not so much to her virtues, which at best were equivocal, as to her very VICES that we are to impute the popular admiration of her character and government.

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I before took notice of the high, indecent *PASSION* she discovered towards her courtiers. This fierceness of temper in the softer sex was taken for heroism; and falling in with the slavish principles of the age, begot a degree of reverence in her subjects, which a more equal, that is, a more becoming deportment would not have produced. Hence she was better served than most of our princes, only because she was more feared, in other words, because she less deserved to be so. But high as she would often carry herself in this unprincely, I had almost said, unwomanly treatment of her servants; awing the men by her oaths, and her women by blows; it is still to be remembered, that she had a great deal of natural *TIMIDITY* in her constitution.

What, interrupted Dr. *Arbutnot* hastily, the magnanimous *Elizabeth* a coward? I should as soon expect this charge to have been brought against *Cæsar* himself, or your own *Marlborough*.

I distinguish, Mr. *Addison* said, betwixt a parade of courage, put on to serve a turn, and keep her people in spirits, and that true greatness of mind, which, in one word, we call *magnanimity*. For this last, I repeat it, she either had it not, or not in the degree in which it has been ascribed to her. On the contrary, I see a littleness, a pusillanimity in her conduct on a thousand occasions.

sions. Hence it was, that both to her people and such of the neighbouring states as she stood in awe of, she used an excessive hypocrisy, which, in the language of the court, you may be sure was called policy. To the *Hollanders*, indeed, she could talk big, and it was not her humour to manage those over whom she had gained an ascendant. This has procured her, with many, the commendation of a princely magnanimity. But, on the other hand, when discontents were apprehended from her subjects, or when *France* was to be diverted from any designs against her, no art was forgotten that might cajole their spirits with all the professions of cordiality and affection. Then she was *wedded*, that was the tender word, to her people: and then the interest of religion itself was sacrificed by this protestant queen to her newly perverted brother on the continent.

Her foible, in this respect, was no secret to her ministers. But, above all, it was practised upon most successfully by the lord *Burghley*; "For whom, as I have seen it observed, it was as necessary that there should be treasons, as for the state that they should be prevented*." Hence it was, that he was perpetually raising her fears by the discovery of some plot, or, when that was wanting, by the proposal of some law for her greater security. In short, he was for

* THE DISPARITY, p. 43.

ever finding, or making, or suggesting dangers. The queen, though she would look big (for indeed she was an excellent actress) startled at the shadows of those dangers, the slightest rumours. And to this convenient timidity of his mistress, so constantly alarmed, and relieved in turn by this wily minister, was owing, in a good degree, that long and unrivalled interest he held in her favour.

Still, further, to this constitutional *fear* (which might be forgiven to her sex, if it had not been so strangely mixed with a more than masculine ferocity in other instances) must be ascribed those favourite maxims of policy, which ran through her whole government. Never was prince more attached to the machiavilian doctrine, *DIVIDE ET IMPERA*, than our *Elizabeth* *. It made the soul

* This account of her policy seems confirmed by what we read in the *DISPARITY*, before cited. "That trick of countenancing and protecting factions (as that queen, almost her whole reign, did, with singular and equal demonstration of grace, look upon several persons of most distant wishes one towards another) was not the least ground of much of her quiet and success. And she never doubted but that men, that were never so opposite in their good will each to other, nor never so dishonest in their projectments for each other's confusion, might yet be reconciled in their allegiance towards her. In-somuch, that during her whole reign, she never endeavoured to reconcile any personal differences in the court, though the unlawful emulations of persons of nearest trust about her, were ever like to overthrow some of her chiefest designs: *A policy, seldom entertained by princes, especially if they have issues*

of her policies, domestic, and foreign. She countenanced the two prevailing factions of the time. The churchmen and puritans divided her favour so equally, that her favourites were sure to be the chiefs of the contending parties. Nay, her court was a constant scene of cabals and personal animosities. She gave a secret, and sometimes an open countenance to these jealousies. The same principle directed all her foreign* negotiations.

And are not you aware, interrupted Dr. *Arbutnot*, that this objected policy is the very topic that I, and every other admirer of the queen, would employ in commendation of her great ability in the art of government? It has been the fate of too many of our princes, and perhaps some late examples might be given, to be governed and even insulted by a prevailing party of their own subjects. *Elizabeth* was superior to such attempts. She had no by ends to pursue. She frankly threw herself on her people.

to survive them." p. 46. Her own historian, it is true, seems a little shy of acknowledging this conduct of the queen, with regard to her nobility and ministers. But he owns, "She now and then took a pleasure (and not unprofitably) in the emulation and privy grudges of her women." *Camden's ELIZABETH*, p. 79. fol. *Lond.* 1688.

* We find an intimation to this purpose, in a writer of credit, at least with respect to the *Dutch* and *Ireland*—"Jam er divulgum Hiberniam, et in Batavis Angli militis seditionis, velut JUSSAS, erant qui exprobrarent." GROTII ANNAL. l. xii. p. 432.

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And, secure in their affection, could defeat, at pleasure, or even divert herself with the intrigues of this or that aspiring faction.

We understand you, Mr. *Addison* replied; but when two parties are contending within a state, and one of them only in its true interest, the policy is a little extraordinary that should incline the sovereign to discourage *this*, from the poor ambition of controlling *that*, or, as you put it still worse, from the dangerous humour of playing with *both* parties. I say nothing of later times. I only ask, if it was indifferent whether the counsels of the CECILS, or of LEICESTER were predominant in that reign? But I mentioned these things before, and I touch them again now only to shew you, that this conduct, however it may be varnished over by the name of wisdom, had too much the air of fearful womanish intrigue to consist with that heroical firmness and intrepidity, so commonly ascribed to queen *Elizabeth* *.

* It must not be concealed, that something like this was observed of her disposition by Sir JAMES MELVIL. After having related to his mistress, the queen of *Scots*, the strong professions of friendship which the queen of *England* had made to him, "She [the queen of *Scots*] enquired, says he, whether I thought that queen meant truly toward her inwardly in her heart as she appeared to do outwardly in her speech. I answered freely, that, in my judgment, there was neither plain dealing, nor upright meaning, but great dissimulation, emulation, and FEAR, lest her princely qualities should over soon chase her from her kingdom, &c." MEMOIRS, F. 53.

And what if after all I should admit, replied Dr. *Arbutnot*, that, in the composition of a woman's courage, at least, there might be some scruples of discretion; is there any advantage, worth contending for, you could draw from such a concession? Or, because you would be thought serious, I will put the matter more gravely. The arts of prudence, you arraign so severely, could not be taken for pusillanimity. They certainly were not, in her own time, for she was not the less esteemed or revered by all the nations of *Europe* on account of them. The most you can fairly conclude is, that she knew how to unite address with bravery, and that, on occasion, she could *dissemble* her high spirit. The difficulties of her situation obliged her to this management.

Rather say at once, returned Mr. *Addison*, that the constant dissimulation, for which she was so famous, was assumed to supply the want of a better thing, which had rendered all those arts as unnecessary as they were ignoble.

But *haughtiness*, and *timidity*, pursued he, were not the only vices that turned to good account in the queen's hands. She was frugal beyond all bounds of decorum in a prince, or rather **AVARICIOUS** beyond all reasonable excuse from the public wants and the state of her revenue. Nothing is more certain than this fact,
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from the allowance both of friends and enemies. It seems as if, in this respect, her father's example had not been sufficient; and that, to complete her character, she had incorporated with many of his, the leading vice of her grandfather.

Here Dr. *Arbuthnot* could not contain himself; and the castle happening at that time, from the point where they stood, to present the most superb prospect, "Look there, said he, on the striking, though small remnants of that grandeur you just now magnified so much, and tell me if, in your conscience, you can believe such grants are the signs, or were the effects of avarice. For you are not to learn, that this palace before us is not the only one in the kingdom, which bears the memory of the queen's bounty to her servants."

Mr. *Addison* seemed a little struck with the earnestness of this address; "It is true, said he, the queen's fondness for one or two of her favourites made her sometimes lavish of her grants; especially of what cost her nothing, and did not, it seems, offend the delicacy of her scruples, I mean of the *church-lands*. But at the same time her treasury was shut against her ambassadors and foreign ministers; who complain of nothing more frequently than the slenderness of their appointments, and the small and slow remittances, that were made to them. This frugality (for I

must not call it by a worse name) distressed the public service on many occasions*; and would have done it on more, if the zeal of her trusty servants had not been content to carry it on at the expence of their own fortunes. How many instances might be given of this, if ONE were not more than sufficient, and which all posterity will remember with indignation!

You speak of *Walsingham*, interposed Dr. *Arbutnot*. But were it not more candid to impute the poverty of that minister to his own generous contempt of riches, which he had doubtless many fair occasions of procuring to himself, than to any designed neglect of him by his mistress?

The candour, returned Mr. *Addison*, must be very extraordinary that can find an excuse for the queen in a circumstance that doubles her disgrace. But be it as you pretend. The uncommon moderation of the man shall be a cover to

* Secretary *Walsingham*, in a letter to the queen, *Sept. 2, 1581*, amongst other things to the same purpose, has the following words—"Remember, I humbly beseech your majesty, the respect of charges hath lost Scotland: and I would to God I had no cause to think, that it might put your highness in peril of the loss of England." And even the lord treasurer himself (we are told) in a letter still extant in the paper-office, written in the critical year 1588, while the *Spanish* armada was expected against England, excuses himself to Sir *Edward Stafford*, then ambassador in France, for not writing to him oftner, on account of her majesty's unwillingness to be at the expence of messengers." Sir T. EDMONDE's *State-papers*, by Dr. *Birch*, p. 21.

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the queen's parsimony. It was not, we will say, for this wise princess to provoke an appetite for wealth in her servants: it was enough that she gratified it, on proper occasions, where she found it already raised. And in this proceeding, no doubt, she was governed by a tender regard for their honour, as well as her own interest. For how is her great secretary ennobled by filling a place in the short list of those worthies, who, having lived and died in the service of their countries, have left not so much as a pittance behind them to carry them to their graves! All this is very well. But when she had indulged his humour in one or two of her favourites, and suffered them, for example's sake, to ascend to these heights of honour, it was going, methinks, a little too far to expect the same delicacy of virtue of all her courtiers. Yet it was not her fault, if most of them did not reap this fame of illustrious poverty, as well as *Walsingham*. She dealt by them, indeed, as if she had ranked poverty, as well as celibacy, among the cardinal virtues.

In the mean time I would not deny that she had a princely fondness for shew and appearance. She took a pride in the brilliancy of her court. She delighted in the large trains of her nobility. She required to be royally entertained by them. And she thought her honour concerned in the figure they made in foreign courts, and in the wars. But, if she loved this pomp, she little
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cared to furnish the expence of it. She considered in good earnest (as some have observed, who would have the observation pass for a compliment *) *the purses of her subjects as her own*; and seemed to reckon on their being always open to her on any occasion of service, or even ceremony. She carried this matter so far, that the very expences of her wars were rather defrayed out of the private purses of her nobility, than the public treasury. As if she had taken it for a part of her *prerogative* to impoverish her nobles at pleasure; or rather, as if she had a mind to have it thought that one of their *privileges* was to be allowed to ruin themselves from a zeal to her service.

But the queen's avarice, proceeded he, did not only appear from her excessive parsimony in the management of the public treasure, but from her rapacity in getting what she could from particulars into her privy purse. Hence it was, that all offices, and even personal favours were, in a

* One of these complaisant observers, I suppose, was the writer of *the Description of England*, who, speaking of the variety of the queen's houses, checks himself with saying, "But what shall I need to take upon me to repeat all, and tell what houses the queen's majesty hath? Sith ALL IS HIRS, and when it pleaseth hir in the summer season to recreate herself abroad, and view the estate of the countrie, and hear the complaints of her unjust officers or substitutes, *every nobleman's house is her palace*, where she continueth during pleasure, and till she returne againe to some of her owne, in which she remaineth as long as pleaseth hir." p. 196.

manner,

manner, set to sale. For it was a rule with her majesty, to grant no suit but for a reasonable consideration. So that whoever pretended to any place of profit or honour, was sure to send a jewel, or other rich present, beforehand, to prepare her mind for the entertainment of his petition. And to what other purpose was it that she kept her offices so long vacant, but to give more persons an opportunity of winning a preference in her favour. Which, for the most part, inclined to those who had appeared, in this interval, to deserve it best. Nay, the slightest disgust, which she frequently took on very frivolous occasions, could not be got over but by the reconciling means of some valuable or well-fancied present. And, what was most grievous, she sometimes accepted the present without remitting the offence.

I remember a very ridiculous instance of this sort. When the lady *Leicester* wanted to obtain the pardon of her unfortunate son, the lord *Essex*, she presented the queen with an exceeding rich gown to the value of above one hundred pounds. She was well pleased with the gift, but thought no more of the pardon. We need not, after this, wonder at what is said of her majesty's leaving a prodigious quantity of jewels and plate behind her, and even a *crouded ward-robe*. For so prevalent was this thrifty humour in the queen's highness, that she could not persuade herself to
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part with so much as a cast-gown to any of her servants *.

* Perhaps they had no need of such favours. It seems as if they had provided for themselves another way. One of her ladies, the lady EDMONDES, had been applied to for her interest with the queen in a certain affair of no great moment, then depending in the court of chancery. The person, commissioned to transact this matter with her ladyship, had offered her 100 *l.* which she treated as *too small a sum*. The relater of this fact adds — “The ruffianary of causes I am daily more and more acquainted with, and see the manner of dealing, which cometh of the queen’s *straitness* to give these women, whereby they presume thus to grange and truck causes.” See a letter in MEM. of Q. ELIZABETH, by Dr. Birch, vol. i. p. 354. But this 100 *l.* as the virtuous lady Edmondes says, was *a small sum*. It appears, that bishop FLETCHER, on his translation to London, “Bestowed, in allowances and gratifications to divers attendants [indeed we are not expressly told, they were *female*] about her majesty, the sum of 3100 *l.* which money was given by him, for the most part of it, by her majesty’s *direction and special appointment*.” MEM. vol. ii. p. 113. And the curiosity is to find this minute of episcopal *gratifications* in a petition presented to the queen herself, “To move her majesty in commiseration towards the orphans of this bishop.” — However, to do the ladies justice, the contagion of bribery was so general in that reign, that the greatest men in the court were infected by it. The lord keeper PUCKERING, it seems, had a finger in the affair of the 100 *l.* nay, himself speaks to the lady to get him commanded by the queen to favour the suit. And we are told, that Sir W. Raleigh had no less than 10,000 *l.* for his interest with the queen on a certain occasion, after having been invited to this service by the finest letter that ever was written. — Indeed it is not said how much of this secret service money went in *allowances and gratifications to the attendants about the queen’s majesty*, vol. ii. p. 497. After all, the editor pretends only to relate these facts just as he found them. For, whether they are to be accounted for

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You allow yourself to be very gay, replied Dr. *Arbutnot*, on this foible of the great queen. But one thing you forget, that it never biaſſed her judgment ſo far as to prevent a fit choice of her ſervants on all occaſions *. And, as to her wary management of the public revenue, which you take a pleaſure to exaggerate, this, methinks, is a venial fault in a prince who could not, in her circumſtances, have provided for the expences of government, but by the niceſt and moſt attentive oeconomy.

I underſtand, replied Mr. *Addiſon*, the full force of that conſideration, and believe it was that *attention* principally, which occaſioned the popularity of her government, and the high eſteem in which the wiſdom of her adminiſtration is held to this day. The bulk of her ſubjects were, no doubt, highly pleaſed to find themſelves ſpared on all occaſions of expence. And it ſerved, at the ſame time, to gratify their natural en-

from *the ſtraitneſs* of the queen, as is here inſinuated---from the influence of her own example---or the diſpoſition of the parties themſelves---this is a point which he does not take upon himſelf to determine.

* This conſideration hath its weight. And it is but fit that a great man of thoſe times ſhould take the full benefit of it. The truth is, the lord *Bacon* made this very excuſe for his bribery; as he had learnt, perhaps, the trade itſelf from his royal miſtreſs. It was a rule with this great chancellor, "Not to ſell juſtice, but never to let juſtice go ſcot free."

vy of the great, to find that *their* fortunes were first and principally sacrificed to the public service. Nay, I am not sure that the very rapacity of her nature, in the sale of her offices, was any objection with the people at large, or even the lower gentry of the kingdom. For these, having no pretensions themselves to those offices, would be well enough pleased to see them, not *bestowed* on their betters, but dearly purchased by them. And then this traffick at court furnished the inferior gentry with a pretence for making the most of their magistracies. This practice, at least, must have been very notorious amongst them, when a facetious member of the lower house could define a justice of peace to be, "A living creature, that, for half a dozen of chickens, will dispense with a whole dozen of penal statutes *." But however this be, the queen's ends, in every view, were abundantly answered. She enriched herself: she gained the affections of the people, and depressed and weakened the nobility. And by all these ways she effectually provided for, what she had ever most at heart, her own absolute and uncontrolled authority.

* I find this particular in *Hist. Collections*, by H. Townshend, Esq. p. 268, Lond. 1680. The lord keeper too, in a speech in the star-chamber, confirms this charge on the country justices, "The thirst, says he, after this authority, proceedeth from nothing but an ambitious humour of gaining of reputation amongst their neighbours; that, still when they come home, they may be presented with presents." *ibid.* p. 355.

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And is that to be wondered at in a great prince, returned Dr. *Arbutnot*? or, to take the matter in the light you place it, what if the queen had so much of her sex * and family in her disposition, as to like well enough to have her own way, is this such a crime as you would make of it? if she loved power, it was not to make a wanton or oppressive use of it. And if all princes knew as well to bound their own wills, as she did, we should not much complain of their impatience to be under the control of their subjects.

I am sorry, said Mr. *Addison*, that the acts of her reign will not allow me to come into this opinion of her moderation. On the other hand, her government appears to me, in many instances, OPPRESSIVE and highly prejudicial to the ancient rights and privileges of her people. For what other construction can we make of her frequent interposition to restrain the counsels of their representatives in parliament; threatening some,

* When the queen declared to Sir *James Melvil* her resolution of virginity, "I know the truth of that, madam, (said he) you need not tell it me. Your majesty thinks if you were married, you would be but queen of *England*; and now you are both king and queen. *I know your spirit cannot endure a commander.*" MEM. p. 49. This was frank. But Sir *James Melvil* was too well seen in courts to have used this language, if he had not understood it would be welcome. Accordingly, the queen's highness did not seem displeased with the imputation.

imprisoning others, and silencing all with the thunder of her prerogative? or, when she had suffered their counsels to ripen into bills, what shall we say of her high and mighty rejection of them, and that not in single and extraordinary cases, but in matters of ordinary course, and by dozens? I pass by other instances. But was her *moderation* seen in dilapidating the revenues of the church? of that church, which she took under the wing of her supremacy, and would be thought to have sheltered from all its enemies*? The honest archbishop *Parker*, I have heard, ventured to remonstrate against this abuse, the

* It is certain, this was a common topic of complaint against the queen, or at least against her ministers. Which gave occasion to that reproof of the poet *Spenser*, which the persons concerned could hardly look upon as very decent,

“ Scarce can a bishoprick forepasse them bye,
But that it must be gelt in privy.”

Mother HUBBARD's Tale.

But a bishop of that time carries the charge still further. In one of his sermons at court before the queen, “ Parsonages and vicarages, says he, seldom pass now-a-days from the patron, but either for the lease or the present money. Such merchants are broken into the church of God, a great deal more intolerable than were they, whom *Christ* whipped out of the temple.” — This language is very harsh, and surely not deserved by the protestant patrons of those days, who were only, as we may suppose, for reducing the church of *Christ* to its pure and primitive state of indigence and suffering. How edifying is it to hear *St. Paul* speak of his being — *In hunger and thirst, in fastings often, in cold and nakedness!*” And how perfectly reformed would our church be, if its ministers were but once more in this blessed apostolical condition!

cognizance of which came so directly within his province. But to what effect, may be gathered, not only from the continuance of these depredations, but her severe reprehension of another of her bishops, whom she threatened with an oath to UNFROCK—that was her majesty's own word—if he did not immediately give way to her princely extortions.

It may be hardly worth while to take notice of smaller matters. But who does not resent her capricious tyranny in disgracing such of her servants as presumed to deviate, on any pretence, from her good pleasure; nay, such as gave an implicit obedience to her will, if it stood with her interest to disgrace them? Something, I know, may be said to excuse the proceedings against the queen of *Scots*. But the fate of DAVISON will reflect eternal dishonour on the policy with which that measure was conducted.

I run over these things hastily, continued Mr. *Addison*, and in no great order, but you will see what to conclude from these hints; which, taken together, I believe, may furnish a proper answer to the most considerable parts of your apology.

To sum it up in few words. Those two great events of her time, THE ESTABLISHMENT OF THE REFORMATION, and THE TRIUMPH OVER THE

POWER OF SPAIN, cast an uncommon lustre on the reign of *Elizabeth*. Posterity, dazzled with these obvious successes, went into an excessive admiration of her personal virtues. And what has served to brighten them the more, is the place in which we chance to find her, between the bigot queen on the one hand, and the pedant king on the other. No wonder then that, on the first glance, her government appear able and even glorious. Yet in looking into particulars, we find, that much is to be attributed to fortune, as well as skill; and that her glory is even lessened by considerations, which, on a careless view, may seem to augment it. The difficulties she had to encounter, were great. Yet these very difficulties, of themselves, created the proper means to surmount them. They sharpened the wits, inflamed the spirits, and united the affections of a whole people. The name of her great enemy on the continent, at that time, carried terror with it. Yet, his power was, in reality, much less than it appeared. The *Spanish* empire was corrupt and weak, and tottered under its own weight. But this was a secret even to the *Spaniard* himself. In the mean time, the confidence, which the opinion of great strength inspires, was a favourable circumstance. It occasioned a remissness and neglect of counsel on one side, in proportion as it raised the utmost vigilance and circumspection on the other. But this was not all. The religious feuds in the low countries—the civil wars in
France

France—the distractions of *Scotland*—all concurred to advance the fortunes of *Elizabeth*. Yet all had, perhaps, been too little in that grand crisis of her fate, and, as it fell out, of her glory, if the conspiring elements themselves had not fought for her.

Such is the natural account of her foreign triumphs. Her domestic successes admit as easy a solution. Those external dangers themselves, the genius of the time, the state of religious parties, nay, the very factions of her court, all of them directly, or by the slightest application of her policy, administered to her greatness. Such was the condition of the times, that it forced her to assume the semblance, at least, of some popular virtues : and so singular her fortune, that her very vices became as respectable, perhaps more useful to her reputation, than her virtues. She was vigilant in her counsels ; careful in the choice of her servants ; courteous and condescending to her subjects. She appeared to have an extreme tenderness for the interests, and an extreme zeal for the honour of the nation. This was the bright side of her character ; and it shone the brighter from the constant and imminent dangers to which she was exposed. On the other hand, she was cholerick, and imperious ; jealous, timid, and avaricious ; oppressive, as far as she durst ; in many cases capricious, in some tyrannical. Yet these vices, some of them sharpened and re-

finer her policy, and the rest operating chiefly towards her courtiers and dependents, strengthened her authority, and rooted her more firmly in the hearts of the people. The mingled splendor of these qualities, good and bad (for even her worst had the luck, when seen but on one side, or in well-disposed lights, to look like good ones) so far dazzled the eyes of all, that they did not, or would not, see many outrageous acts of tyranny and oppression.

And thus it hath come to pass that, with some ability, more cunning, and little real virtue, the name of *Elizabeth* is, by the concurrence of many accidental causes, become the most revered of any in the long roll of our princes. How little she merited this honour, may appear from this slight sketch of her character and government. Yet, when all proper abatement is made in both, I will not deny her to have been a great, that is, a *fortunate* queen; in this, perhaps, the most fortunate that she has attained to so unrivalled a glory with so few pretensions to deserve it.

And so, replied Dr. *Arbutnot*, you have concluded your invective in full form, and rounded it, as the ancient orators used to do, with all the advantage of a peroration. But setting aside this trick of eloquence, which is apt indeed to confound a plain man, unused to such artifices, I see not but you have left the argument much as you took it up; and that I may still have leave to re-
tain

tain my former reverence for the good old times of queen *Elizabeth*. It is true, she had some foibles. You have spared, I believe, none of them. But, to make amends for these defects, let but the history of her reign speak for her, I mean in its own artless language, neither corrupted by flattery, nor tortured by invidious glosses; and we must ever conceive of her, I will not say as the most faultless, perhaps not the most virtuous, but surely the most able, and, from the splendor of some leading qualities, the most glorious of our *English* monarchs.

To give you my notion of her in few words. —For the dispute, I find, must end, as most others usually do, in the simple representation of our own notions — She was discreet, frugal, provident, and sagacious: intent on the pursuit of her great ends, *the establishment of religion, and the security and honour of her people*: prudent in the choice of the best *means* to effect them, the employment of able servants, and the management of the public revenue: dextrous at improving all advantages which her own wisdom, or the circumstances of the times gave her: fearless and intrepid in the execution of great designs, yet careful to unite the deepest foresight with her magnanimity. If she seemed *AVARICIOUS*, let it be considered that the nicest frugality was but necessary in her situation: if *IMPERIOUS*, that a female government needed to be made respectable

ble by a shew of authority : and if at any time OPPRESSIVE, that the *English* constitution, as it then stood, as well as her own nature, had a good deal of that bias.

In a word, let it be remembered, that she had the honour of ruling *, perhaps of forming, the wisest, the bravest, the most virtuous people, that have adorned any age or country ; and that she advanced the glory of the *English* name, and that of her own dignity, to a height which has no parallel in the annals of our nation.

Mr. *Digby*, who had been very attentive to the course of this debate, was a little disappointed with the conclusion of it. He had thought to have settled his judgment of this reign by the information his two friends should afford him. But he found himself rather perplexed by their altercations, than convinced by them. He owned, however, the pleasure they had given him ; and said, he had profited so much at least by the occasion that, for the future, he should conceive with something less reverence of the great queen,

* It was this circumstance that seemed to weigh most with the lord chancellor BACON ; who, in his short tract, *In felicem memoriam Elizabethæ*, saith, “ Illud cogitandum censeo, in quali populo imperium tenuerit : si enim in Palmyrenis, aut Asiâ imbelli et molli regnum sortita esset, minùs mirandum fuisset — verum in ANGLIA, natione ferocissimâ et bellicosissimâ, omnia ex nutu scæminæ moveri et cohiberi potuisse, SUMMAM MERITO ADMIRATIONEM HABET.

and should proceed with less prejudice to form his opinion of her character and administration.

Mr. *Addison* did not appear quite satisfied with this sceptical conclusion; and was going to enforce some things which he thought had been touched too slightly *, when Dr. *Arbutnot* took notice that their walk was now at an end; the path, they had taken, having by this time brought them round again to the walls of the castle. Besides, he said, he found himself much wearied with this exercise, though the warmth of debate, and the opportunities he took of resting himself at times, had kept him from complaining of it. He proposed therefore getting into the coach as soon as possible; where, though the

* In conclusion, I must be so just to own, that if any thing could shake the authenticity of these dialogues, *on the age of Elizabeth*, it is, "That Mr. *Addison*, who all along takes such liberties with the queen's character and government, finds occasion to speak, very differently, of both, in his *Freeholder*, published in the beginning of this very year."

But the judicious reader will observe, that the *Freeholder* was a party paper, written with a view to the state of the nation at that time; and that therefore his panegyrics on *Elizabeth* are to be taken only as popular topics, or, as they say, arguments *ad hominem*, that is, to the tories, who idolized her memory, and whom it was his purpose to convince or gain upon in that political work.—What he thought fit to say, therefore, in compliance with their prejudices, is very consistent with the real sentiments we find him delivering in these conversations.

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conversation was in some sort resumed, there was nothing material enough advanced, on either side, to make it necessary for me to continue this recital any further.

D I A-

DIALOGUE V.
ON THE
CONSTITUTION
OF THE
ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS,
Bishop BURNET.

Written in the Year 1689.

Tum GENITOR, veterum volvens monumenta virorum,
Audite, ô Proceres, ait, et spes discite vestras. VIRG.

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DIALOGUE V.

Sir JOHN MAYNARD, Mr. SOMERS,
Bishop BURNET*.

To Dr. TILLOTSON.

THOUGH the principles of nature, and common sense, do fully authorize resistance to the civil magistrate in extreme cases, and, of course, justify the late revolution to every candid and dispassionate man; yet I am sensible, my excellent friend, there are many prejudices which hinder the glorious proceedings in that affair from being seen in their true light. The principal of them, indeed, are founded on false systems of policy,

* Though the manuscript, from which the following dialogues are printed, be certainly not in bishop *Burnet's* own hand, there are all the marks in the world, even to the defect of the composition, of their having been written by that prelate.—The subject is so much above the editor's abilities to comment upon, that he presumes only to point here and there to an authority, which he hath casually picked up, in support of some of the more remarkable things, advanced in the course of the conversation,

and

and those tied down on the consciences of men by wrong notions of religion. And such as these, no doubt, through the experience of a better government, and a juster turn of thinking, which may be expected to prevail in our times, will gradually fall away of themselves. But there is another set of notions on this subject, not so easy to be discredited, and which are likely to keep their hold on the minds even of the more sober and considerate sort of men. For whatever advantage the cause of liberty may receive from general reasonings on the origin and nature of civil government, the greater part of our countrymen will consider, and perhaps rightly, the enquiry into the constitution of their *own* government, as a question of FACT; that must be tried by authorities and precedents only; and decided at last by the evidence of historical testimony, not by the conclusions of philosophy or political speculation.

Now, though we are agreed that this way of managing the controversy must, when fully and fairly pursued, be much in favour of the new settlement, yet neither, I think, is it for every man's handling, nor is the evidence resulting from it of a nature to compel our assent. The argument is formed on a vast variety of particulars, to be collected only from a large and intimate acquaintance with the antiquities, laws, and usages of the kingdom. Our printed histories

ries are not only very short and imperfect; but the original records, which the curious have in their possession, are either so obscure or so scanty, that a willing adversary hath always in readiness some objection, or some cavil at least, to oppose to the evidence that may be drawn from them. Besides, appearances, even in the plainest and most unquestioned parts of our history, are sometimes so contradictory; arising either from the tyranny of the prince, the neglect of the people, or some other circumstance of the times; and, to crown all, the question itself hath been so involved, by the disputations of prejudiced and designing men, that the more intelligent enquirer is almost at a loss to determine for himself, on which side the force of evidence lies.

On this account I have frequently thought with myself, that a right good CONSTITUTIONAL HISTORY of *England* would be the noblest service that any man, duly qualified for the execution of such a work, could render to his country. For though, as I said, the subject be obscure in itself, and perplexed by the subtilties which contending parties have invented for the support of their several schemes, yet, from all I have been able to observe from the course of my own reading, or conversation, there is little doubt but that the form of the *English* government hath, at all times, been FREE. So that if such a history were drawn up, with sufficient care, out of our

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authentic

authentic papers and public monuments, it would not only be matter of entertainment to the curious, but the greatest security to every *Englishman* of his religious and civil rights. For what can be conceived, more likely to preserve and perpetuate these rights, than the standing evidence which such a work would afford, of the genuine spirit and temper of the constitution? of the principles of freedom*, on which it was formed, and on which it hath been continually and uniformly conducted? Our youth, who at present amuse themselves with little more than the military part of our annals, would then have an easy opportunity of seeing to the bottom of all our civil and domestic broils. They would know on what pretences the PREROGATIVE of our kings hath sometimes aspired to exalt itself above

* These *principles*, as appears from what follows, are those of the feudal law. And, to see how much in earnest the bishop was in recommending this study to the *English* youth, it was upon these very principles that he explained the constitution of the *English* government to his royal pupil. This we learn from his own words—speaking of the duke of *Gloucester*, “I acquainted him, says he, with all the great revolutions that had been in the world, and gave him a copious account of the *Greek* and *Roman* histories, and of *Plutarch’s* lives: the last thing I explained to him was the Gothic constitution, and the BENEFICIARY AND FEUDAL LAWS.”—*HIST. of his own times*, vol. iv. p. 357. *Eding.* 1753.] Without doubt the bishop’s instructions on the last head were taken from this very conversation of Sir *J. Maynard*; which raises one’s idea of it very much, and will induce the reader to consider it, not so much in the light of a private debate, as of a royal lecture.

controul;

controul ; and would learn to revere the magnanimity of their forefathers, who as constantly succeeded in their endeavours to reduce it within the ancient limits and boundaries of the LAW. In a word, they would no longer rest on the surface and outside, as it were, of the *English* affairs, but would penetrate the interior parts of our constitution ; and furnish themselves with a competent degree of civil and political wisdom ; the most solid fruit that can be gathered from the knowledge and experience of past times.

And I am ready to think that such a provision, as this, for the instruction of the *English* youth, may be the more requisite, on account of that limited, yet awful form of government under which we live. For, besides the name, and other ensigns of majesty, in common with those who wear the most despotic crowns, the whole execution of our laws, and the active part of government, is in the hands of the prince. And this pre-eminence gives him so respectable a figure in the eyes of his subjects, and presents him so constantly, and with such lustre of authority to their minds, that it is no wonder they are sometimes disposed to advance him from the rank of first magistrate of a free people, into that of supreme and sole arbiter of the laws.

So that, unless these prejudices are corrected by the knowledge of our constitutional history, there is constant reason to apprehend,

not only that the royal authority may stretch itself beyond due bounds ; but may grow, at length, into that enormous tyranny, from which this nation hath been at other times so happily, and now of late so wonderfully redeemed.

But I suffer myself to be carried by these reflexions much further than I designed. I would only say to you, that, having sometimes reflected very seriously on this subject, it was with the highest pleasure I heard it discoursed of the other day, by two of the most accomplished lawyers of our age: the venerable Sir JOHN MAYNARD, who, for a long course of years, hath maintained the full credit and dignity of his profession; and Mr. SOMERS, who, though a young man, is rising a-pace, and with proportionable merits, into all the honours of it.

I was very attentive, as you may suppose, to the progress of this remarkable conversation; and, as I had the honour to bear a full share in it myself, I may the rather undertake to give you a particular account of it. I know the pleasure you will have in seeing a subject, you have much at heart, and which we have frequently talked over in the late times, thoroughly canvassed, and cleared up, as I think it must be, to your entire satisfaction.

It was within a day or two after that great event, so pleasing to all true *Englishmen*, THE CORONATION OF THEIR MAJESTIES*, that Mr.

* On April 11, p. 180. 1689;

Somers

Somers and I went, as we sometimes used, to pass an evening with our excellent friend, my Lord Commissioner †. I shall not need to attempt his character to you, who know him so well. It is enough to say, that his faculties and spirits are, even in this maturity of age, in great vigour. And it seems as if this joyful revolution, so agreeable to his hopes and principles, had given a fresh spring and elasticity to both.

The conversation, of course, turned on the late august ceremony; the mention of which awakened a sort of rapture in the good old man, which made him overflow in his meditations upon it. Seeing us in admiration of the zeal, which transported him, "Bear with me, said he, my young friends. Age, you know, hath its privilege. And it may be, I use it somewhat unreasonably. But I, who have seen the prize of liberty contending for through half a century, to find it obtained at last by a method so sure, and yet so unexpected, do you think it possible that I should contain myself on such an occasion? Oh, if ye had lived with me in those days, when such mighty struggles were made for public freedom, when so many wise counsels miscarried, and so many generous enterprizes concluded but in the confirmation of lawless tyranny;

† Of the great seal---The other lawyers in commission were *KECK* and *RAWLINSON*.

if, I say, ye had lived in those days, and now at length were able to contrast with me, to the tragedies that were then acted, this safe, this bloodless, this complete deliverance; I am mistaken, if the youngest of you could reprove me for this joy, which makes me think I can never say enough on so delightful a subject.

Bp. BURNET.

Reprove you, my lord? alas, we are neither of us so unexperienced in what hath passed of late in these kingdoms, as not to rejoice with you to the utmost for this astonishing deliverance. You know, I might boast of being among the first that wished for, I will not say projected, the measures by which it hath been accomplished. And for Mr. *Somers*, the church of *England* will tell—

Mr. SOMERS.

I confess my warmest wishes have ever gone along with those who conducted this noble enterprize. And I pretend to as sincere a pleasure, as any man, in the completion of it. Yet if it were not unreasonable at such a time, I might be tempted to mention one circumstance which, I know not how, a little abates the joy of these triumphant gratulations.

Sir J. MAYNARD.

Is not the settlement then to your mind? or hath any precaution been neglected which you think

think necessary for the more effectual security of our liberties ?

Mr. SOMERS.

Not that. I think the provision for the people's rights as ample as needs be desired. Or, if any further restrictions on the crown be thought proper, it will now be easy for the people, in a regular parliamentary way, to effect it. What I mean is, a consideration of much more importance.

Bp. BURNET.

The pretended prince of *Wales*, you think, will be raising some disturbance, or alarm at least, to the new government. I believe, I may take upon me to give you perfect satisfaction upon that subject*.

Mr. SOMERS.

Still your conjectures fall short or wide of my meaning. Our new MAGNA CHARTA, as I love to call the *declaration of rights*, seems a sufficient barrier against any future encroachments of the CROWN. And I think the pretended prince of *Wales*, whatever be determined of his birth, a mere phantom ; that may amuse, and perhaps disquiet, the weaker sort for a while, but, if left

* This indeed was a favourite subject with our good bishop, and how qualified he was to discuss it, even in its minutest particularities, may be learnt from his history, at large.

to itself*, will soon vanish out of the minds of the PEOPLE. Not but I allow that even so thin a pretence as this, may, some time or other, be conjured up to disturb the government. But it must be, when a certain set of principles are called in aid to support it. And, to save you the further trouble of guessing, I shall freely tell you, what those *principles* are.—You will see, in them, the ground of my present fears and apprehensions.

It might be imagined, that so necessary a revolution, as that which hath now taken place, would sufficiently approve itself to all reasonable men. And it appears, in fact, to have done so, now that the public injuries are fresh, and the want of some immediate relief from them, felt by the subject. But (as it happens in such cases) when the evil is removed, it is very easily forgotten. And in matters of government, which depend so much, or rather, which depend so entirely on *opinion*, when the grievance is out of mind, the false system returns, and sometimes with redoubled force, which had given birth to it.

Bp. BURNET.

One can readily admit these principles. But the conclusion you propose to draw from them—

* It was not thus *left to itself*, but was nursed and fostered with great care by the preachers up of *divine indefeasible hereditary right*, in this and the following reign.

Mr.

Mr. SOMERS.

This very important one, "That, if the late change of government was brought about, and can be defended only, on the principles of liberty, the settlement, introduced by it, can be thought secure no longer than while those principles are rightly understood, and generally admitted."

Bp. BURNET.

But what reason is there to apprehend that these principles, so commonly professed and publicly avowed, will not continue to be kept up in full vigour.

Mr. SOMERS.

Because, I doubt, they are so commonly and publicly avowed, only to serve a present turn, and not because they come from the heart, or are entertained on any just ground of conviction.

Bp. BURNET.

Very likely. And considering the pains that have been taken to possess the minds of men with other notions of government, the wonder is, how they came to be entertained at all. Yet surely the experience of better times may be expected to do much. Men will of course think more justly on these subjects, in proportion as they find themselves more happy. And thus the principles, which, as you say, were first pretended to
out

out of necessity, will be followed out of choice, and bound upon them by the conclusions of their own reason.

Mr. SOMERS.

I wish your lordship be not too sanguin in these expectations. It is not to be conceived how insensible the people are to the blessings they enjoy, and how easily they forget their past miseries. So that if their principles have not taken deep root, I would not answer for their continuing much longer than it served their purpose to make a shew of them.

Sir J. MAYNARD.

I must confess, that all my experience of mankind inclines me to this opinion. I could relate to you some strange instances of the sort Mr. *Somers* hints at. But after all, Sir, you do not indulge these apprehensions on the general fickleness of human nature. You have some more particular reasons for concluding that the system of liberty, which hath worked such wonders of late, is not likely to maintain its ground amongst us.

Mr. SOMERS.

I have: and I was going to explain those reasons, if my lord of *Salisbury* had not a little diverted me from the pursuit of them.

It is very notorious, from the common discourse of men, even on this great occasion, (and
I wish

I wish it had not appeared too evidently in the debates of the two houses) that very many of us have but crude notions of the form of government, under which we live, and which hath been transmitted to us from our forefathers. I have met with persons of no mean rank, and well seen in the history of the kingdom, who speak a very strange language. They allow, indeed, that something was to be done in the perilous circumstances, into which we had fallen. But when they come to explain themselves, it is in a way that leaves us no *right* to do any thing; at least, not what it was found expedient for the nation to do at this juncture. For “ they contend in so many words, that the crown of *England* is *absolute*; that the form of government is an *entire and simple monarchy*; and that so it hath continued to be in every period of it down to the abdication: that the CONQUEST, at least, to ascend no higher, invested the FIRST WILLIAM in absolute dominion; that from him it devolved of course upon his successors; and that all the pretended rights of the people, the GREAT CHARTERS of ancient and modern date, were mere usurpations on the prince, extorted from him by the necessity of his affairs, and revocable at his pleasure: nay, they insinuate that parliaments themselves were the creatures of his will; that their privileges were all derived from the sovereign’s grant; and that they made no part in the

original

original frame and texture of the *English* government.

“ In support of this extraordinary system, they refer us to the constant tenor of our history. They speak of the conqueror, as proprietary of the whole kingdom; which accordingly, they say, he parcelled out, as he saw fit, in grants to his *Norman* and *English* subjects: that, through his partial consideration of the church, and an excessive liberality to his favoured servants, this distribution was so ill made as to give occasion to all the broils and contentions that followed: that the church-men began their unnatural claim of independency on the crown; in which attempt they were soon followed by the encroaching and too powerful barons: that in these struggles many flowers of the crown were rudely torn from it, till a sort of truce was made, and the rebellious humour somewhat composed by the extorted articles of *RUNNING-MEDE*: that these confusions, however, were afterwards renewed, and even increased by the contests of the two houses of *York* and *Lancaster*: but that, upon the union of the roses in the person of *Henry VII.* these commotions were finally appeased, and the crown restored to its ancient dignity and lustre: that, indeed, the usage of parliaments, with some other forms of popular administration, which had been permitted in the former irregular reigns, was continued,

tinued, but of the mere grace of the prince, and without any consequence to his prerogative: that sueceeding kings, and even HENRY himself, considered themselves as possessed of an imperial crown; and that, though they might sometimes condescend to take the advice, they were absolutely above the controul of the people; in short, that the law itself was but the will of the prince declared in parliament; or rather solemnly received and attested there, for the better information and more entire obedience of the subject.

This they deliver as a just and fair account of the *English* government; the genius of which, they say, is absolute and monarchical in the highest degree; as much so, at least, as that of any other sovereignty in *Europe*. They ask, with an air of insult, what restraint our *Henry VIII.* and our admired *Elizabeth* would ever suffer to be put on their prerogative; and they mention, with derision, the fancy of dating the high pretensions of the crown from the accession of the STUART family. They affirm that JAMES I. and his son, aimed only to continue the government on the footing on which they had received it; that their notions of it were authorised by constant fact; by the evidence of our histories; by the language of parliaments; by the concurrent sense of every order of men amongst us: and that what followed in the middle of this century was the mere effect of POPULAR, as many former disorders

orders had been of PATRICIAN violence. In a word, they conclude with saying, that the old government revived again at the RESTORATION, just as, in like circumstances, it had done before, at the UNION of the two houses : that, in truth, the voluntary desertion of the late king had given a colour to the innovations of the present year ; but that, till this new settlement was made, the *English* constitution, as implying something different from pure monarchy, was an unintelligible notion, or rather a mere whymfy that had not the the least foundation in truth or history."

This is a summary of the doctrines, which, I doubt, are too current amongst us. I don't speak of the bigotted adherents to the late king; but of many cooler and more disinterested men, whose *religious* principles, as I suppose, (for it appears it could not be their *political*) had engaged them to concur in the new settlement. You will judge, then, if there be not reason to apprehend much mischief from the prevalence and propagation of such a system : a system, which, as being in the language of the patrons of it, founded upon *fact*, is the more likely to impose upon the people ; and, as referring to the practice of ancient times, is not for every man's confutation. I repeat it therefore, if this notion of the despotic form of our government become general, I tremble to think what effect
it

it may hereafter produce on the minds of men; especially when joined to that false tenderness, which the people of *England* are so apt to entertain for their princes, even the worst of them, under misfortune. I might further observe, that this prerogative-system hath a direct tendency to produce, as well as heighten, this compassion to the sovereign. And I make no scruple to lay it before you with all its circumstances, because I know to whom I speak, and that I could not have wished for a better opportunity of hearing it confuted.

Bp. BURNET.

I must own, though I was somewhat unwilling to give way to such melancholy apprehensions at this time, I think, with Mr. SOMERS, there is but too much reason to entertain them. For my own part, I am apt to look no further for the *right* of the legislature to settle the government in their own way, than their own free votes and resolutions. For, being used to consider all political power as coming originally from the people, it seems to me but fitting that they should dispose of that power for their own use, in what hands, and under what conditions they please. Yet as much regard is due to established forms and ancient prescription, I think the matter of *fact* of great consequence; and, if the people, in general, should once conceive of it according to this representation, I should be very anxious
for

for the issue of so dangerous an opinion. I must needs, therefore, join very entirely with Mr. *Somers*, in wishing to hear the whole subject canvassed, or rather finally determined, as it must be, if Sir JOHN MAYNARD will do us the pleasure to acquaint us what his sentiments are upon it.

Sir J. MAYNARD.

Truly, my good friends, you have opened a very notable cause, and in good form. Only, methinks, a little less solemnity, if you had so pleased, might have better suited the occasion. Why, I could almost laugh to hear you talk of fears and dangers from a phantom of your own raising. I certainly believe the common proverb belies us; and that old age is not that dastardly thing it hath been represented. For, instead of being terrified by this conceit of a prescriptive right in our sovereigns to tyrannize over the subject, I am ready to think the contrary so evident from the constant course of our history, that the simplest of the people are in no hazard of falling into the delusion. I should rather have apprehended mischief from other quarters; from the influence of certain speculative points which have being too successfully propagated of late; and chiefly from those pernicious glosses which too many of my order have made on the letter of the law, and too many of yours, my lord of *Salisbury*, on that of the gospel. Trust me, if the
matter

matter once come to a question of FACT, and the inquiry be only concerning ancient form and precedent, the decision will clearly be in our favour. And for yourselves, I cannot doubt but this decision is already made. But since you are willing to put me upon this task, and we have leisure enough for such an amusement, I shall very readily undertake it. And the rather, as I have more than once in my life had occasion to go to the bottom of this inquiry, and now very lately have taken a pleasure to reflect on the general evidence which history affords of our free constitution, and to review the scattered hints and passages I had formerly set down for my private satisfaction.

“ I understand the question to be, not under what *form* the government hath appeared at some particular conjunctures, but what we may conclude it to have been from the general current and tenor of our histories. And more particularly still, I conceive you would ask, not whether the *administration* hath not, at some seasons, been DESPOTIC, but whether the *genius* of the government hath not at all times been FREE. Or, if you do not think the terms, in which I propose the question, strict enough, you will do well to state it in your own way, that hereafter we may have no dispute about it.

Bp. BURNET.

I suppose, the question, as here put, is determinate enough for our purpose.—Or, have you, Mr. SOMERS, any exceptions to make to it?

Mr. SOMERS.

I believe we understand each other perfectly well; the question being only this, “Whether there be any ground in history to conclude that the prince hath a constitutional claim to absolute uncontrolable dominion; or, whether the liberty of the subject be not essential to every different form, under which the *English* government hath appeared.”

Sir J. MAYNARD.

You expect of me then to shew, in opposition to the scheme, just now delivered by you, that neither from the original constitution of the government, nor from the various forms (for they have, indeed, been various) under which it hath been administered, is there any reason to infer, that the *English* monarchy is, or of right ought to be, despotic and unlimited?

Now this I take to be the easiest of all undertakings; so very easy, that I could trust a plain man to determine the matter for himself by the light that offers itself to him from the slightest of our histories. 'Tis true, the deeper his researches

go, his conviction will be the clearer; as any one may see by dipping into my friend NAT. BACON's discourses; where our free constitution is set forth with that evidence as must for ever have silenced the patrons of the other side, if he had not allowed himself to strain some things beyond what the truth, or indeed his cause required. But, saving to myself the benefit of his elaborate work, I think it sufficient to take notice, that the system of liberty is supported even by that short sketch of our history, which Mr. SOMERS hath laid before us; and in spite of the disguises, with which, as he tells us, the enemies of liberty have endeavoured to cloke it.

You do not, I am sure, expect from me, that I go back to the elder and more remote parts of our history; that I should take upon me to investigate the scheme of government which hath prevailed in this kingdom from the time that the *Roman* power departed from us; or that I should even lay myself out in delineating, as many have done, the plan of the *Saxon* constitution: though such an attempt might not be unpleasing, nor altogether without its use, as the *principles* of the *Saxon* policy, and in some respects the *form* of it, have been constantly kept up in every succeeding period of the *English* monarchy. I content myself with observing, that the spirit of liberty was predominant in those times: and for proof of it, appeal at present only to one single circumstance,

which you will think remarkable. Our *Saxon* ancestors conceived so little of government, by the will of the magistrate, without fixed laws, that *LAGA*, or *LEAGA*, which in their language first and properly signified the same as *LAW* with us, was transferred * very naturally (for language always conforms itself to the genius, temper, and manners of a nation) to signify a country, district, or province; these good people having no notion of any inhabited country not governed by laws. Thus *DÆNA-LAGA*, *MERCENA-LAGA*, and *WESTSEXENA-LAGA*, were not only used in their laws and history to signify the *laws* of the *Danes*, *Mercians*, and *West-Saxons*, but the *countries* likewise. Of which usage I could produce

* This casual remark of Sir *J. Maynard* seems to determine a famous dispute that afterwards sprung up among the antiquarians on the subject before us. Bishop *Nicholson* attended so little to this tralatitious use of words, in which all languages abound, that finding *LAGA* in several places signifying a *country*, he would needs have it that *Camden*, *Lambard*, *Spelman*, *Cowell*, *Selden*, and all our best antiquaries, were mistaken, when they supposed *laga* ever signified, in the compositions here mentioned, a *law*. However, his adversaries among the antiquarians were even with him; and finding that *laga*, in these compositions, did signify a law in several places of our ancient laws, historians, and lawyers, deny that it ever signifies a *country*. Each indeed had a considerable object in view; the one was bent on overthrowing a system; the other on supporting it: namely, that famous threefold body of laws, the *Danish*, *Mercian*, and *West-Saxon*. It must be owned, the bishop could not overthrow the common system, without running into his extreme: it seems his opponents might have supported it, without running into theirs.

to you many instances, if I did not presume that, for so small a matter as this, my mere word might be taken.

You see then how fully the spirit of liberty possessed the very language of our *Saxon* forefathers. And it might well do so; for it was of the essence of the *German* constitutions; a just notion of which (so uniform was the genius of the brave people that planned them) may be gathered, you know, from what the *Roman* historians, and, above all, from what *Tacitus* hath recorded of them.

But I forbear so common a topic: and, besides, I think myself acquitted of this task by the prudent method, which the defenders of the regal power have themselves taken in conducting this controversy. For, as conscious of the testimony which the *Saxon* times are ready to bear against them, they are wise enough to lay the foundation of their system in the CONQUEST. They look no higher than that event for the origin of the *constitution*, and think they have a notable advantage over us in deducing their notion of the *English* government from the form it took in the hands of the *Norman* invader. But is it not pleasant to hear these men calumniate the improvements that have been made from time to time in the plan of our civil constitution with the name of *usurpations*, when they are not ashamed to erect the *constitution* itself on what *they*

must esteem, at least, a great and manifest usurpation?

Bp. BURNET.

Conquest, I suppose, in their opinion, gives *right*. And since an inquiry into the origin of a constitution requires that we fix *somewhere*, considering the vast alterations introduced by the conquest, and that we have never pretended to reject, but only to improve and complete the duke of NORMANDY's establishment, I believe it may be as proper to set out from that æra as from any other.

Sir J. MAYNARD.

Your lordship does not imagine that I am about to excuse myself from closing with them even on their own terms. I intended that question only as a reproach to the persons we have to deal with; who, when a successful event makes, or but seems to make, for their idol of an absolute monarchy, call it a regular establishment: whereas a revolution brought about by the justest means, if the cause of liberty receive an advantage by it, shall be reviled by the name of usurpation. But let them employ what names they please, provided their facts are well grounded. We will allow them to dignify the *Norman* settlement with the title of CONSTITUTION. What follows? That *despotism* was of the essence of that constitution? So they tell us indeed; but without one word of proof,

proof, for the assertion. For what! do they think the name of conquest, or even the *thing*, implies an absolute unlimited dominion? Have they forgot that *William's* claim to the crown, was not *conquest* (though it enabled him to support his claim) but *testamentary succession*? A title very much in the taste of that time, and extremely revered by our *Saxon* ancestors? That he even renounced his conquest by his coronation oath? That the legislative power continued the same in his hands, as in those of his predecessors? And that, in one word, he confirmed the *Saxon* laws, at least before he had been many years in possession of his new dignity?

Is there any thing in all this that favours the notion of his erecting himself into an absolute lord of the conquered country? Is it not certain, even from his own *Magna Charta*, as we may call it, that he bound himself to govern according to law; that he could neither touch the honours nor estates of his subjects but by legal trial; and that even the many forfeitures in his reign are an evidence of his proceeding in that method?

Still we are told "of his parcelling out the whole land, upon his own terms, to his followers;" and are insulted "with his famous institution of feudal tenures." But what if the *former* of these assertions be foreign to the purpose at

least, if not false ; and the *latter*, subversive of the very system it is brought to establish ? I think, I have reason for putting both these questions. For, what if he parcelled out most, or all, of the lands of *England* to his followers ? The fact has been much disputed. But be it, as they pretend, that the property of all the soil in the kingdom had changed hands. What is that to us, who claim under our *Norman*, as well as *Saxon*, ancestors ? For the question, you see, is about the form of government settled in this nation at the time of the conquest. And they argue with us, from a supposed act of tyranny in the conqueror, in order to come at that settlement. The *Saxons*, methinks, might be injured, oppressed, enslaved ; and yet the constitution, transmitted to us through his own *Normans*, be perfectly free.

But their *other* allegation is still more unfortunate. “ He instituted, they say, the feudal law.” True. But the feudal law, and absolute dominion, are two things ; and, what is more, perfectly incompatible.

I take upon me to say, that I shall make out this point in the clearest manner. In the mean time it may help us to understand the nature of the feudal establishment, to consider the practice of succeeding times. What that was, our adversaries themselves, if you please, shall inform us. Mr. *Somers* hath told their story very fairly, which

which yet amounts only to this, "That, throughout the *Norman* and *Plantagenet* lines, there was one perpetual contest between the prince and his feudataries, for law and liberty:" an evident proof of the light in which our forefathers regarded the *Norman* constitution. In the competition of the two *ROSES*, and perhaps before, they lost sight indeed of this prize. But no sooner was the public tranquillity restored, and the contending claims united in *Henry VII.* than the old spirit revived. A legal constitution became the constant object of the people, and though not always avowed, was, in effect, as constantly submitted to by the sovereign. It may be true, perhaps, that the ability of *one* prince*, the imperious carriage of *another*†, and the generous intrigues of a *third*‡; but above all, the condition of the times, and a sense of former miseries, kept down the spirit of liberty for some reigns, or diminished, at least, the force and vigour of its operations. But a passive subjection was never acknowledged, certainly never demanded as matter of right, till *Elizabeth* now and then, and king *James*, by talking continually in this strain, awakened the national jealousy; which proved so uneasy to himself, and, in the end, so fatal to his family.

I cannot allow myself to mention these things more in detail to you, who have so perfect a

* Henry VII.

† Henry VIII.

‡ Elizabeth.

knowledge

knowledge of them. One thing only I insist upon, that, without connecting the system of liberty with that of prerogative in our notion of the *English* government, the tenor of our history is perfectly unintelligible, and that no consistent account can be given of it, but on the supposition of a LEGAL LIMITED CONSTITUTION.

Mr. SOMERS.

Yet that constitution, it will be thought, was at least ill defined, which could give occasion to so many fierce disputes, and those carried on through so long a tract of time, between the crown and the subject.

Sir J. MAYNARD.

The fault, if there was one, lay in the original plan of the constitution itself; as you will clearly see when I have opened the nature of it, that is, when I have explained the genius, views, and consequences of the FEUDAL POLICY. It must, however, be affirmed, that this policy was founded in the principles of freedom, and was, in truth, excellently adapted to an active, fierce, and military people; such as were all those to whom these western parts of *Europe* have been indebted for their civil constitutions. But betwixt the burthen some services imposed on the subject by this tenure, or which it gave at least the pretence of exacting from him, and the too great restraint which an unequal and disproportioned allotment of
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of feuds, to the greater barons, laid on the sovereign; but above all, by narrowing the plan of liberty too much, and, while it seemed to provide for the dependency of the prince on one part of his subjects, by leaving both him and them in a condition to exercise an arbitrary dominion over all others; hence it came to pass that the feudal policy naturally produced the struggles and convulsions, you spoke of, till it was seen in the end to be altogether unsuited to the circumstances of a rich, civilized, and commercial people. The event was, that the inconveniencies, perceived in this form of government, gradually made way for the introduction of a better; which was not, however, so properly a new form, as the old one amended and set right; cleared of its mischiefs and inconsistencies, but conducted on the same principles as the former, and pursuing the same end, though by different methods.

It is commonly said, "That the feudal tenures were introduced at the conquest." But how are we to understand this assertion? certainly not as if the whole system of military services had been created by the conqueror; for they were essential to all the *Gothic* or *German* constitutions. We must suppose then, that they were only new modelled by this great prince. And who can doubt that the form, which was now given to them, would be copied from that which the *Norman* had seen established in his own country?

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It would be copied then from the proper FEUDAL FORM; the essence of which consisted in the perpetuity of the feud; whereas the condition of these military tenures had been in other countries, that they should be temporary only, or revocable at the will of the lord.

But to enter fully into the idea of the feudal constitution; to see at what time, and in what manner, it was introduced; above all, to comprehend the reasons that occasioned this great change, it will be convenient to look back to the estate of *France*, and especially of *Normandy*, where this constitution had, for some years taken place before it was transferred to us at the conquest.

Under the first princes of the *Carlovingian* line, the lands of *France* were of two kinds, ALLODIAL, and BENEFICIARY. The allodial were estates of inheritance; the persons, possessing them, were called HOMMES LIBRES. The beneficiary were held by grants from the crown. The persons holding immediately under the emperor, were called LEUDES; the sub-tenants, VASSALS.

Further, the allodial lands were alienable, as well as hereditary. The beneficiary were properly neither. They were held for life, or a term of years, at the will of the lord, and reverted to him

him on the expiration of the term for which they were granted.

I do not stay to explain these institutions minutely. It is of more importance to see the alterations that were afterwards made in them. And the FIRST will be thought a strange one.

The possessors of allodial lands, in *France*, were desirous to have them changed into *tenures*. They who held of the crown *in capite* were intitled to some distinctions and privileges, which the allodial lords wished to obtain; and therefore many of them surrendered their lands to the emperor, and received them again of him in the way of *tenure*. This practice had taken place occasionally from the earliest times: but under *Charles the Bald*, it became almost general; and *free-men* not only chose to hold of the emperor, but of other lords. This last was first allowed, in consequence of a treaty between the three brothers, after the battle of *Fontenay*, in 847.

But these *free-men* were not so ill advised as to make their estates precarious, or to accept a life-estate instead of an inheritance. It was requisite they should hold for a perpetuity. And this I take to have been the true origin of hereditary feuds. Most probably in those dangerous times, little people could not be safe without a lord to protect them: and the price of this protection was the change of propriety into tenure.

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The SECOND change was by a law made under the same emperor in the year 877, the last of his reign. It was then enacted, that beneficiary estates, held under the crown, should descend to the sons of the present possessors. Yet not, as I conceive, to the eldest son; but to him whom the emperor shall chuse: nor did this law affect estates only, but *offices*, which had hitherto been also beneficiary; and so the sons of counts, marquises, &c. (which were all names of offices, not titles of honour) were to succeed to the authority of their fathers, and to the benefice annexed to it. The new feuds, created in allodial lands, had, I suppose, made the emperor's tenants desirous of holding on the same terms: and the weakness of the reigning prince enabled them to succeed in this first step, which prepared the way for a revolution of still more importance. For,

The THIRD change, by which the inheritance of beneficiary lands and offices was extended to perpetuity, and the possession rendered almost independent of the crown, was not, we may be sure, effected at once, but by degrees. The family of *Charlemagne* lost the empire: they resisted with great difficulty the incursions of the *Normans*; and, in the year 911, *Normandy* was granted to them as an hereditary fee. The great lords made their advantage of the public calamities; they defended the king on what terms they pleased;

ed ; if not complied with in their demands, they refused their assistance in the most critical conjunctures ; and, before the accession of *Hugh Capet*, had entirely shaken off their dependence on the crown. For it is, I think, a vulgar mistake to say, that this great revolution was the effect of *Hugh's* policy. On the contrary, the independence of the nobles, already acquired, was, as it seems to me, the cause of his success. The prince had no authority left but over his own demesnes ; which were less considerable than the possessions of some of his nobles. *Hugh* had one of the largest fiefs ; and for this reason his usurpation added to the power of the crown, instead of lessening it, as is commonly imagined. But to bring back the feuds of the other nobles to their former precarious condition, was a thing impossible : his authority was partly supported by superior wisdom, and partly by superior strength, his vassals being more numerous than those of any other lord.

I cannot tell if these foreigners, when they adopted the feudal plan, were immediately aware of all the consequences of it. An hereditary tenure was, doubtless, a prodigious acquisition ; yet the advantage was something counter-balanced by the great number of impositions which the nature of the change brought with it. These impositions are what, in respect of the lord, are called his FRUITS of tenure ; such as WARDSHIP,

MARRIAGE,

MARRIAGE, RELIEF, and other services; and were the necessary consequence of the king's parting with his arbitrary disposal of these tenures. For now that the right of inheritance was in the tenant, it seemed but reasonable, and without this provision the feudal policy could not have obtained its end, that the prince, in these several ways, should secure to himself the honour, safety, and defence which the very nature of the constitution implied and intended. Hence hereditary feuds were of necessity clogged with the obligations I have mentioned; which, though trifling in comparison with the disadvantages of a precarious tenure, were yet at least some check on the independency acquired. However these services, which were due to the king under the new model, were also due to the tenant in chief from those who held of him by the like tenure. And so the barons, or great proprietaries of land, considering more perhaps the subjection of their own vassals, than that by which themselves were bound to their sovereign, reckoned these burthens as nothing with respect to what they had gained by an hereditary succession.

The example of these *French* feudataries, we may suppose, would be catching. We accordingly find it followed, in due time, in *Germany*; where CONRAD II.* granted the like privilege of *successive* tenures, and at the pressing instance of his tenants.

* CRAIG'S *Jus feudale*, lib. i. p. 21. Lond. 1655.

I thought

I thought it material to remind you of these things ; because they prove the feudal institution on the continent to have been favourable to the cause of liberty ; and because it will abate our wonder to find it so readily accepted and submitted to here in *England*.

Mr. SOMERS.

The account you have given, and, I dare say, very truly, of the origin of feuds in *France* and *Germany*, is such as shews them to have been an extension of the people's liberty. There is no question that hereditary alienable estates have vastly the preference over beneficiary. But the case, I suspect, was different with us in *England*. The great offices of state, indeed, in this country, as well as in *France*, were beneficiary. But, if I don't mistake, the lands of the *English*, except only the church-lands, were all allodial. And I cannot think it could be for the benefit of the *English* to change their old *Saxon* possessions, subject only to the famous triple obligation, for these new and burthensome tenures.

Sir J. MAYNARD.

Strange as it may appear, we have yet seen that the *French* did not scruple to make that exchange even of their allodial estates. But to be fair, there was a great difference, as you well observe, in the circumstances of the two people.

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All the lands in *England* were, I believe, allodial, in the *Saxon* times : while a very considerable proportion of those in *France* were beneficiary. Another difference, also, in the state of the two countries, is worth observing. In *France*, the allodial lands (though considerable in quantity) were divided into small portions. In *England*, they seem to have been in few hands ; the greater part possessed by the king and his *Thanes* ; some smaller parcels by the lesser *Thanes* ; and a very little by the *Ceorles*. The consequence was, that, though the allodial proprietors in *France* were glad to renounce their property for tenure, in order to secure the protection they much wanted ; yet with us, as you say, there could not be any such inducement for the Innovation. For, the lands being possessed in large portions by the nobility and gentry, the allodial lords in *England* were too great to stand in need of protection. Yet from this very circumstance, fairly attended to, we shall see that the introduction of the feudal tenures was neither difficult nor unpopular. The great proprietors of land were, indeed, too free and powerful to be bettered by this change. But their tenants, that is, the bulk of the people, would be gainers by it. For these tenants were, I believe, to a man beneficiaries. The large estates of the *Thanes* were granted out in small portions to others, either for certain quantities of corn or rent, reserved to the lord, or on condition of stipulated services. And these grants,

grants, of which ever sort they were, were either at pleasure, or at most for a limited term. So that though the proprietors of land in *England* were so much superior to those in *France*; yet the tenants of each were much in the same state; that is, they possessed beneficiary lands on stipulated conditions.

When therefore, by right of forfeiture, the greater part of the lands in *England* fell, as they of course would do, into the power of the king (for they were in few hands, and those few had either fought at *Hastings*, or afterwards rebelled against him) it is easy to see that the people would not be displeased to find themselves, instead of beneficiary tenants*, feudatary proprietors.

The main difficulty would be with the churchmen. Their possessions had been held, in the *Saxon* times, in *FRANC-ALMOIGN*. Though they had been bound, as all free-men were, to military services, yet they had the great privilege of rating themselves. 'Tis true, the burthens of these tenures would, many of them, not affect them. But then neither could they reap the principal fruit of them, the fruit of inheritance. They, besides, considered every restraint on their privileges as impious, and took the subjection of

* This account of the *Saxon* benefices is much confirmed by the famous charter of bishop *Osvald*, and the comment of Sir *H. Spelman* upon it. See his discourse on *FEUDES AND TENURES*.

the ecclesiastic to the secular power, which the feudal establishment was to introduce, for the vilest of all servitudes. Hence the churchmen were, of all others, the most averse from this law *. And their opposition might have given the conqueror still more trouble, if the suppression of the great northern rebellion had not furnished him with the power, and (as many of them had been deeply engaged in it) with the pretence to force it upon them. And thus in the end, it prevailed universally, and without exception.

I would not go further into the history of these tenures. It may appear from the little I have said of it, that the feudal system was rather improved and corrected by the duke of *Normandy*, than originally planted by him in this kingdom: that the alteration made in it was favourable to the public interest; and that our *Saxon* liberties were not so properly restrained, as extended by it. It is of little moment to enquire whether the nation was won, or forced to a compliance with

* MATTHEW PARIS gives us the following account of this matter — “*Episcopatus et Abbatias omnes, quæ baronias tenebant, et eatenus ab omni servitute sæculari libertatem habuerant, sub servitute statuit militari, inrotulans singulos episcopatus et abbatias pro voluntate suâ, quot milites sibi et successoribus suis, hostilitatis tempore, voluit à singulis exhiberi. ET ROTULAS HUIUS ECCLESIASTICÆ SERVITUTIS ponens in thesauris, multos viros ecclesiasticos HUIUS CONSTITUTIONI PESSIMÆ reluctantes, a regno fugavit.*”

HIST. ANG. WILLIELMUS CONQUÆSTOR.
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it. It is enough to say, that, as it was accepted by the nation, so it was in itself no servile establishment, but essentially founded in the principles of liberty. The duties of lord and feudatary were reciprocal and acknowledged: services on the one part, and protection on the other. The institution was plainly calculated for the joint-interest * of both parties, and the benefit of the community; the proper notion of the feudal system being that “of a confederacy between a number of military persons, agreeing on a certain limited subordination and dependence on their chief, for the more effectual defence of his and their lives, territories, and possessions.”

MR. SOMERS.

I have nothing to object to your account of the feudal constitution. And I think you do perfectly right to lay the main stress on the general nature and genius of it, as by this means you cut off those fruitless altercations, which have

* The learned CRAIG, who has written so largely and accurately on the feudal law, was so far from seeing any thing servile in it, that he says, “The foundations of this discipline are laid in the most generous of all considerations, those of GRATITUDE. *Hujus feudalæ disciplinæ fundamenta à gratitudine et ingratitude descendunt.* And he thinks it so little chargeable with any views or purposes of tyranny, that he esteems it, “The surest bulwark against lawless will and oppression.” His words are better and stronger — “*Est hoc JUS FEUDALE omnium morum et officiorum gymnasium, et unicum præsidium adversus dominorum et vassallorum injustas cupiditates.*”

EPIST. NUNCUP. to K. James.

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been raised concerning the personal character of the *Norman* conqueror. Our concern is not with him, but with the government he established. And if that be free, no matter whether the founder of it were a tyrant. But though I approve your method, I doubt there is some defect in your argument. *Freedom* is a term of much latitude. The *Norman* constitution may be free in one sense, as it excludes the sole arbitrary dominion of one man, and yet servile enough in another, as it leaves the government in few hands. For it follows, from what I understand of the feudal plan, that though its genius be indeed averse from absolute monarchy, yet it is indulgent enough to absolute *Aristocracy*. And the notion of each is equally remote from what we conceive of true *English* liberty.

Sir J. MAYNARD.

It is true, the proper feudal form, especially as established in this kingdom, was in a high degree oligarchical. It would not otherwise, perhaps, have suited to the condition of those military ages. Yet the principles it went upon, were those of publick liberty, and generous enough to give room for the extension of the system itself, when a change of circumstances should require it.—But your objection will best be answered by looking a little more distinctly into the nature of these tenures.

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I took notice that the feudal system subjected the CHURCH more immediate to the civil power : and laid the foundation of many services and fruits of tenure to which the LAY-FEUDATARIES in the *Saxon* times had been altogether strangers. It is probable that all the consequences of this alteration were not foreseen. Yet the churchmen were pretty quicksighted. And the dislike they had conceived of the new establishment was the occasion of those struggles, which continued so long between the mitre and crown, and which are so famous more especially in the early parts of our history. The cause of these ecclesiastics was a bad one. For their aim was, as is rightly observed by the advocates for the prerogative, to assert an independency on the state ; and for that purpose the pope was made a party in the dispute ; by whose intrigues it was kept up in one shape or other till the total renunciation of the papal power. Thus far, however, the feudal constitution cannot be blamed. On the contrary, it was highly serviceable to the cause of liberty, as tending only to hold the ecclesiastic, in a due subordination to the civil authority.

The same thing cannot be said of the other instance, I mean the *fruits of tenure*, to which the layfees were subjected by this system. For however reasonable, or rather necessary those *fruits* might be, in a feudal sense, and for the end to which the feudal establishment was directed, yet,

as the *measure* of these fruits, as well as the manner of exacting them, was in a good degree arbitrary, and too much left to the discretion of the sovereign, the practice, in this respect, was soon found to be an intolerable grievance. Hence that other contest, so memorable in our history, betwixt the king and his barons : in which the former, under colour of maintaining his feudal rights, laboured to usurp an absolute dominion over the persons and properties of his vassals ; and the latter, impatient of the feudal burthens, or rather of the king's exactions under pretence of them, endeavoured to redeem themselves from so manifest an oppression.

It is not to be denied, perhaps, that, in the heat of this contest, the barons sometimes carried their pretensions still further, and laboured in their turn to usurp on the crown, in revenge for the oppressions they had felt from it. However, their first contentions were only for a mitigation of the feudal system. It was not the character of the *Norman* princes to come easily into any project that was likely, in the least degree, to intrench on their powers. Yet the grievances complained of, were in part removed, in part moderated by HENRY the first's, and many other successive charters. Though the last blow was not given to these feudal servitudes, till after the restoration, when such of them as remained and were found prejudicial to the liberty of the subject, were finally abolished.

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Thus we see that ONE essential defect in the feudal policy, considered not as a military, but civil institution, was, the too great power it gave the sovereign in the arbitrary impositions, implied in this tenure. ANOTHER was accidental. It arose from the disproportionate allotment of those feuds, which gave the greater barons an ascendant over the prince, and was equally unfavourable to the cause of liberty. For the bounty of the duke of *Normandy*, in his distribution of the forfeited estates and signiories to his principal officers, had been so immense *, that their share of influence in the state was excessive and intrenched too much on the independency of the crown and the freedom of the people. And this undue poize in the constitution, as well as the tyranny of our kings, occasioned the long continuance of those civil wars, which for many ages harassed and distressed the nation. The evil however, in the end, brought on its own remedy. For these princely houses being much weakened, and many of them destroyed in the course of the quarrel, *Henry VII* succeeded, at length, to the peaceable possession of the crown. And by the policy of

* This bounty in so wise a prince as *William* may be thought strange. I believe it may be accounted for from what is observed above of the *Saxon* allodial lords. These had possessed immense estates. And, as they fell in upon forfeiture, the great *Norman* adventurers would of course expect to come into the entire succession.—Perhaps too, in that confusion of affairs, the prince might not always himself be apprized of the extent and value of these possessions.

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this prince, and that of his successor, the barons were brought so low as to be quite disabled from giving any disturbance to the crown for the future.

It appears then that two great defects in the feudal plan of government, as settled amongst us, were, at length, taken away. But a THIRD, and the greatest defect of all, was the narrowness of the plan itself, I mean when considered as a system of civil polity; for, in its primary martial intention, it was perfectly unexceptionable.

To explain this matter, which is of the highest importance, and will furnish a direct answer to Mr. *Somers's* objection, we are to remember that in the old feudal policy the king's barons, that is, such as held *in capite* of the crown by knight's service, were the king's, or rather the kingdom's, great council. No laws could be enacted, without their consent*. It appears that, towards the end of the conqueror's reign, the number of these tenants in chief was about 700; who, as the whole property of the kingdom was, in effect, in their power, may be thought a no unfit representative of the nation. It was so, perhaps, in those rude and warlike times, when the strength of the nation lay entirely in the soldiery; that

* The law of *Edward the confessor* is express to this purpose, and it was ratified by the conqueror—"Debet rex omnia rite facere in regno et per judicium procerum regni." See Sir H. SPELMAN of Parliaments, p. 58.

is, in those who held by knight-service, either immediately of the crown, or of the mesne-lords. For the remainder of the people, whom they called tenants in socage, were of small account; being considered only in the light of servants, and contributing no otherwise to the national support than by their cultivation of the soil, which left their masters at leisure to attend with less distraction on their military services. At least, it was perfectly in the genius of the feudal, that is, military constitutions, to have little regard for any but the men of arms; and, as every other occupation would of course be accounted base and ignoble, it is not to be wondered that such a difference was made between the condition of *prædial* and *military* tenures.

However, a policy, that excluded such numbers from the rank and privileges of citizens, was so far a defective one. And this defect would become more sensible every day, in proportion to the growth of arts, the augmentation of commerce, and the security the nation found itself in from foreign dangers. The antient military establishment would now be thought unjust, when the exclusive privileges of the swordsmen were no longer supported by the necessities of the publick, and the wealth of the nation made so great a part of the force of it. Hence arose an important change in the legislature of the kingdom, which was much enlarged beyond its former

former limits. But this was done gradually ; and was more properly an extension, than violation of the antient system.

First, The number of tenants in chief, or the king's free-holders, was much encreased by various causes, but chiefly by the alienation which the greater barons were permitted to make of their fees. Such alienation could not be made without consent of the prince : but his consent became necessary, or was obtained at least on some extraordinary occasions. Thus, when the fashionable madness of the CROISADES had involved the greater barons in immense debts, in order to discharge the expences of these expeditions, they were allowed, in HENRY the second's reign, to alienate their possessions. The consequence was, that the lesser military tenants *in capite* multiplied exceedingly. And, as many of them were poor and unequal to a personal attendance in the court of their lord, or in the common council of the kingdom (where of right and duty they were to pay their attendance) they were willing, and it was found convenient to give them leave, to appear in the way of *representation*. And this was the origin of what we now call THE KNIGHTS OF THE SHIRES ; who, in those times, were appointed to represent, not all the free-holders of counties, but the lesser tenants of the crown only. For these, not attending in person, would otherwise have had no place in the king's council.

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The rise of CITIZENS AND BURGESSES, that is, representatives of the cities and trading towns, must be accounted for somewhat differently. These had originally been in the jurisdiction, and made part of the demesnes of the king and his great lords. The reason of which appears from what I observed of the genius of the feudal policy. For little account being had of any but martial men, and trade being not only dishonourable, but almost unknown in those ages, the lower people, who lived together in towns, most of them small and inconsiderable, were left in a state of subjection to the crown, or some other of the barons, and exposed to their arbitrary impositions and talliages. But this condition of burghers, as it sprung from the military genius of the nation, could only be supported by it. When that declined therefore, and instead of a people of soldiers, the commercial spirit prevailed and filled our towns with rich traders and merchants, it was no longer reasonable, nor was it the interest of the crown, that these communities and bodies of men should be so little regarded. On the contrary, a large share of the public burthens being laid upon them, and the frequent necessities of the crown, especially in foreign wars, or in the king's contentions with his barons, requiring him to have recourse to their purses, it was naturally brought about that those, as well as the tenants *in capite*, should, in time, be admitted to have a share in the public counsels.

counsels. I do not stay to trace the steps of this change. It is enough to say, that it arose insensibly and naturally out of the growing wealth, and consequence of the trading towns; the convenience the king found in drawing considerable sums from them, with greater ease to himself, and less offence to the people; and, perhaps, from the view of lessening, by their means, the exorbitant power and influence of the barons. From these or such like reasons, the great towns and cities, that before were royal demesnes, part of the king's private patrimony, and talliable by him at pleasure, were allowed to appear in his council by their deputies, to treat with him of the proportion of taxes to be raised on them, and, in a word, to be considered in the same light as the other members of that great assembly.

I do not stay to enquire when this great alteration was first made. I find it subsisting at least under *Edward III.* And from that time there is no dispute but that the legislature, which was originally composed of the sovereign and his feudal tenants, included also the representatives of the counties, and of the royal towns and cities. To speak in our modern style, the *HOUSE OF COMMONS* was, now, formed. And by this addition, the glorious edifice of *English* liberty was completed.

I am sensible I must have wearied you with this deduction, which can be no secret to either
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of you. But it was of importance to shew, that the constitution of *England*, as laid in the feudal tenures, was essentially free, and that the very changes it hath undergone, were the natural and almost unavoidable effects of those tenures. So that what the adversaries of liberty object to us, as usurpations on the regal prerogative, are now seen to be either the proper result of the feudal establishment, or the most just and necessary amendments of it.

Bp. BURNET.

I have waited with much pleasure for this conclusion, which entirely discredits the notion of an absolute, despotic government. I will not take upon me to answer for Mr. *Somers*, whose great knowledge in the laws and history of the kingdom enables him to see further into the subject than I do; but to me nothing appears more natural or probable than this account of the rise and progress of the *English* monarchy. One difficulty, in particular, which seemed to embarrass this enquiry, you have entirely removed, by shewing how, from the aristocratical form which prevailed in the earlier times, the more free and popular one of our days hath gradually taken place, and that without any violence to the antient constitution.

Mr. SOMERS.

At least, my lord, with so little, that we may, perhaps, apply to the *English* government what the
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the naturalists observe of the HUMAN BODY *; that, when it arrives at its full growth, it does not perhaps retain a single particle of the matter it originally set out with, yet the alteration hath been made so gradually and imperceptibly, that the system is accounted the same under all changes. Just so, I think, we seem to have shaken off the constituent parts of the FEUDAL CONSTITUTION; but, liberty having been always the informing principle, time and experience have rather completed the old system, than created a new one: and we may account the present and *Norman* establishment all one, by the same rule as we say that *Hercules*, when he became the deliverer of oppressed nations, was still the same with him who had strangled serpents in his cradle.

Sir J. MAYNARD.

I know not what fanciful similes your younger wit may delight in. I content myself with observing that the two great points, which they, who deny the liberty of the subject, love to inculcate, and on which the plausibility of all their reasonings depends, are, THE SLAVISH NATURE OF THE FEUDAL CONSTITUTION, and THE LATE RISE OF THE HOUSE OF COMMONS. And I have taken up your time to small purpose, if it doth

* Great lawyers have been fond of this allusion. See old FORTESCUE in his book *De laudibus legum Angliæ*, where this sort of Analogy is pursued at length through a great part of the XIIIth Chapter.

not

not now appear, that the *former* of these notions is false, and the *latter* impertinent. If the learned enquirers into this subject had considered that the question is, concerning the freedom itself of our constitution, and not the most convenient form under which it may be administered, they must have seen that the feudal law, though it narrowed the system of liberty, was founded in it; that the spirit of freedom is as vital in this form, and the principles it goes upon as solid, as in the best formed republic; and that *villanage* concludes no more against the *feudal*, than *slavery* against the *Greek* or *Roman* constitutions.

MR. SOMERS.

That is, Sir JOHN, you make *liberty* to have been the essence of all THREE; though, to the perfection of an equal commonwealth, you suppose it should have been further spread out and dilated: as they say of *frankincense*, (if you can forgive another allusion *) which, when lying in

* Notwithstanding the apology, the judicious reader will be scandalized, as the editor professes himself to have been, with a couple of boyish allusions, so near together too, from the mouth of Mr. Somers. However, I draw an invincible argument from this circumstance for the authenticity of the present dialogue. Such an escape might *actually* have happened in private amongst his friends; for, from what we are told of him, he was one of those, whom his brethren of the coif might have reason to *shake their heads at, as a Wit*. But what sophist could be foolish enough to draw a *feigned* character of a modern lawyer in such colours?

But I have still another very material observation to make
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the lump, is of no great use or pleasure, but when properly diffused, is the sweetest of all

on occasion of this *simile*. The idolaters of a certain poet are never put to their shifts so much as when they are required to vindicate their favourite from the charge of plagiarism. I desire to know what they can find to say to the following lines. Speaking of *wealth* in his epistle on the use of riches, he says,

In heaps, like ambergrise, a stink it lies;

But well-dispers'd, is incense to the skies.

I can imagine a little critic would be forward to quote this as an original sentiment. Yet we see it was almost verbatim copied from this comparison of Mr. Somers. I say from *this comparison*, for the reader may be pleased to know that this conversation, with so many other curious things, was amongst the earl of Oxford's MSS; and nobody needs be told the pleasure which Pope took in rioting amidst that inestimable treasure. Nay, he is well known to have added many precious things to it himself: in particular, ONE, which his admirers would not have expected; I mean, an elaborate treatise on *the Greek and Roman Antiquities*: a further proof of his little genius, and his great disposition to pilfering and transcribing.

I thought it but just to take notice of these things, as they serve to vindicate the opinion, which is growing pretty general, of the slender talents of this writer. At the same time I would not affirm, that the simile before us was original even in Mr. Somers. It is likely he took it from one of his brethren, a facetious reader of *Gray's Inn*, master BETTENHAM by name, who used to say, "That riches were like muck; when it lay upon a heap, it gave but a stench and ill odour; but when it was spread upon the ground, then it was cause of much fruit." See Lord Bacon's *Apophthegms*. One sees by such instances as these how little invention there is in the world, even among those whom the world calls wits and geniuses. But some men have had strange luck in putting off their false wares on the credulous vulgar; and still stranger in drawing in critics, at least who would pass for such, to countenance the cheat by writing I know not what idle discourses on POETICAL IMITATION.

odours.

odours. But you were going on with the application of your principles.

Sir J. MAYNARD.

I was going to say that, as many have been misled by wrong notions of the *feudal tenures*, others had erred as wide in their reasonings on *the late origin of the lower house of parliament*. How have we heard some men triumph in dating it no higher than the reign of *Edward III*? Let the fact be admitted. What follows? That this house is an usurpation on the prerogative? Nothing less. It was gradually brought forth by time, and grew up under the favour and good liking of our princes *. The constitution itself supposed the men of greatest consequence, in the commonwealth to have a seat in the national councils. Trade and agriculture had advanced vast numbers into consequence, that before were of small account in the kingdom. The public consideration was encreased by their wealth, and the public necessities relieved by it. Were these to remain for ever excluded from the king's councils? Or was not that council, which had liberty for its object, to widen and expand itself in order to receive them? It did,

* Agreeably to what Sir *H. Spelman* asserts, in his glossary, of its parent, the *feudal law* itself; "DE LEGE FEUDALI—pronunciandum censeo, TEMPORIS eam esse filiam, sensimque succrescentem, EDICTIS PRINCIPUM auctam indies et excultam." In voce FEODUM.

in fact, receive them with open arms, and, in so doing, conducted itself on the very principles of the old feudal policy.

In short, the *feudal constitution*, different from all others that human policy is acquainted with, was of such a make, that it readily gave way, and fitted itself to the varying situations of society; narrow and contracted, when the public interest required a close connexion between the governor and the governed; large and capacious, when the same interest required that connexion to be loosened. Just as the skin (if you will needs have a comparison) the natural cincture of the body, confines the young limbs with sufficient tightness, and yet widens in proportion to their growth, so as to let the different parts of the body play with ease, and obtain their full size and dimensions. Whereas the other policies, that have obtained in the world, may be compared to those artificial coverings, which being calculated only for one age and size, grow troublesome and insupportable in any other; and yet cannot, like these, be thrown off and supplied by such as are more suitable and convenient, but are worn for life, though with constant, or rather increasing uneasiness*.

* One sees from this escape of old *Maynard*, how catching this play of fancy is, and how easily it communicates itself, on certain occasions, to the soberest understandings. Whence some have concluded, too hastily, that when grave and solid persons reprobate this sort of trifling, they do it not out of the abundance of their wisdom, but of their dulness.

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This then being the peculiar prerogative of the feudal policy, I think we may say with great truth, not that the house of commons violated the constitution, but, on the contrary, that the constitution itself demanded, or rather generated, the house of commons.

So that I cannot by any means commend the zeal which some have shewn in seeking the origin of this house in the *British* or even *Saxon* annals. Their aim was to serve the cause of liberty, but, it must be owned, at the expence of truth, and, as we now perceive, without the least necessity.

Bp. BURNET.

It hath happened then in this, as in so many other instances, that an excellent cause hath suffered by the ill judgment of its defenders. But when truth itself had been disgraced by one sort of men, in being employed by them to the worst purposes, is it to be wondered that others should not acknowledge her in such hands, but be willing to look out for her in better company?

Sir J. MAYNARD.

Let us say, my lord, they should have acknowledged her in whatever company she was found; and the rather, as ill-applied truths are seen to be full as serviceable to a bad cause, as downright falsehoods. Besides, this conduct had not

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only been fairer, but more politic. For when so manifest a truth was rejected, it was but natural to suspect foul play in the rest, and that none but a bad cause could want to be supported by so disingenuous a management.

Mr. SOMERS.

I think so, Sir JOHN ; and there is this further use of such candor, that it cuts off at once the necessity of long and laboured researches into the dark parts of our history ; and so not only shortens the debate, but renders it much more intelligible to the people.

Sir J. MAYNARD.

I was aware of that advantage, and am therefore not displeased that truth allowed me to make use of it.—But to resume the main argument ; for I have not yet done with my evidence for the freedom of our excellent constitution. It seemed of moment to shew, from the nature and consequences of the *Norman* settlement, that the *English* government was essentially free. But because the freest form of government may be tamely given up and surrendered into the hands of a master, I hold it of consequence to prove that the *English* spirit hath always been answerable to the constitution, and that even the most insidious attempts on their liberties have never failed to awaken the resentment of our generous forefathers. In a word, I would shew that the
jealousy,

jealousy, with which the *English* have ever guarded the national freedom is at once a convincing testimony of their *right*, and of their constant *possession* of it.

And though I might illustrate this argument by many other instances, I chuse to insist only on ONE, THEIR PERPETUAL OPPOSITION TO THE CIVIL AND CANON LAWS; which, at various times and for their own ends, the crown and church have been solicitous to obtrude on the people.

To open the way to this illustration, let it be observed that, from the time of *HONORIUS*, that is when the *Roman* authority ceased amongst us, the *Saxon* institutions, incorporated with the old *British* customs, were the only standing laws of the kingdom. These had been collected and formed into a sort of digest by *EDWARD* the Confessor; and so great was the nation's attachment to them, that *William* himself was obliged to ratify them at the same time, that the feudal law itself was enacted. And, afterwards, on any attempt to innovate on those laws, we hear of a general outcry and dissatisfaction among the people: which jealousy of their's, was not without good grounds; as we may see from an affair that happened in the conqueror's own reign, and serves to illustrate the policy of this monarch.

It had been an old custom, continued through the *Saxon* times, for the bishops and sheriffs to sit together in judicature in the county courts. This had been found a very convenient practice; for the presence of the churchmen gave a sanction to the determinations of the temporal courts, and drew an extraordinary reverence towards them from the people. Yet we find it abolished by the conqueror; who, in a rescript to the bishop of *Lincoln* ordained that, for the future, the bishops and aldermen of the shires should have separate courts and separate jurisdictions. The pretence for this alteration was the distinct nature of the two judicatures, and the desire of maintaining a strict conformity to the canons of the church. The real design was much deeper. There is no question but *William's* inclinations, at least, were for arbitrary government; in which project his *Norman* lawyers, it was hoped, might be of good use to him. But there was a great obstacle in his way. The churchmen of those times had incomparably the best knowledge of the *Saxon* laws. And it was not easy for his glossers to interpret them to their own mind, whilst the bishops were at hand to refute and rectify their comments. Besides, the truth is (and my lord of *Salisbury* will not be displeased with me for telling it) the ecclesiastics of that time were much indevoted to the court. They considered the king as the wickedest of all tyrants. He had brought them into subjection
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by their baronies, and had even set the pope himself at defiance. In this state of things there was no hope of engaging the clergy in his plot. But when a separation of the two tribunals was made, and the civil courts were solely administered by his own creatures, the laws, it was thought, would speak what language he pleased to require of them.

Such appears to have been the design of this prince in his famous distinction of the ecclesiastic and temporal courts. It was so artfully laid and so well coloured, that the laity seem to have taken no umbrage at it. But the clergy saw his drift; and their zeal for the ancient laws, as well as their resentments, put them upon contriving methods to counteract it. They hit upon a very natural and effectual one. In a word, they all turned common lawyers; and so found means of introducing themselves into the civil courts. This expedient succeeded so well, and was so generally relished, that the clergy to a man almost in the next reign were become professors of the common law; NULLUS CLERICUS NISI CAUSIDICUS, as *William of Malmesbury* takes care to inform us*.

Bp. BURNET.

Whatever their motive might be, the churchmen, I perceive, interposed very seasonably in

* DISS. AD FLET. 1091. and WILLIAM OF MALMESBURY, lib. iv. f. 69. *Lond.* 1596.

the

the support of our civil liberties. It was a generous kind of revenge, methinks, to repay the king's tyranny over the church by vindicating the authority of the *English* laws.

Sir J. MAYNARD.

It was so; and for this good service, I let them pass without any harsher reflection. Though the true secret is, perhaps, no more than this. Their main object was the church, of whose interests, as is fitting, we will allow them to be the most competent judges. And, as these inclined them, they have been, at different junctures, the defenders, or oppressors of civil liberty.

Bp. BURNET.

At *some* junctures, it may be, they have. But if you insist on so general a censure, I must intreat Mr. *Somers*, once more, to take upon him the defence of our order.

Sir J. MAYNARD.

All I intended by this instance, was, to shew the spirit of the *Saxon* laws, which could excite the jealousy of the prince, and deserve, at such a season, the patronage of the clergy. It seems, however, for once, as if they had a little misconceived of their true interests. For the distinction of the two judicatures, which occasioned their resentment, was, in the end, a great means of the hierarchical greatness and independency.

Matters continued on this footing during the three first of the *Norman* reigns. The prince did his utmost to elude the authority of the *English* laws; and the nation, on the other hand, laboured hard to confirm it. But a new scene was opened under king *Stephen*, by means of the *Justinian* laws; which had lately been recovered in *Italy*, and became at once the fashionable study over all *Europe*. It is certain, that the Pandects were first brought amongst us in that reign; and that the reading of them was much favoured by archbishop of THEOBALD *, under whose encouragement they were publicly read in *England* by VACARIUS, within a short time after the famous IRNERIUS had opened his school at *Bologna*. There is something singular in the readiness with which this new system of law was embraced in these western parts of *Europe*. But my friend Mr. *Selden* used to give a plausible account of it. It was, he said †, in opposition to INNOCENT II, who was for obtruding on the Christian states the *decretals*, as laws; manifestly calculated for the destruction of the civil magistrate's power. And what seems to authorize the opinion of my learn-

* It may be difficult to say whence all the particulars, that follow, relating to the civil law were taken by the Speaker. But I find some of them in *Selden's Dissertation ad FLETAM*: as this of the introduction of the *Justinian* institutions, from *William* of *Malmesbury*, occurs in p. 1082. *Selden's works*, vol. ii. tom. ii.

† DISS. AD FLET. 1078.

ed friend, is, that the popes very early took the alarm, and, by their decrees, forbad churchmen to teach the civil law : as appears from the constitution of ALEXANDER III, so early as the year 1163, in the council of TOURS ; and afterwards from the famous decretal of SUPER-SPECULA by HONORIUS III, in 1219, in which the clergy of all denominations, seculars as well as regulars, were prohibited the study of it. And it was, doubtless, to defeat the mischief which the popes apprehended to themselves, from the credit of the imperial laws, that GRATIAN was encouraged, about the same time, to compose and publish his DECREE ; which, it is even said *, had the express approbation of pope EUGENIUS.

To see now what reception this newly recovered law, so severely dealt with by the pope, and so well entertained by the greatest part of *Europe*, had in *England*. VACARIUS had continued to teach it for some time, in the archbishop's palace at *Lambeth*, to great numbers, whom the fashion of the age, and the novelty of the study, had drawn about him. The fame of the teacher was very high, and the new science had made a great progress, when on a sudden it received a severe check, and from a quarter from which one should not naturally expect it. In short, the king himself interdicted the study of it. Some have imagined, that this inhibition was owing to the

* Dr. DUCK, *De usu et autoritate juris civilis*, p. 103. LUGD. BATAV. 1654.

spite he bore to archbishop THEOBALD. But the truer reason seems to be, that the canon law was first read by *Vacarius* at the same time, and under colour of the imperial. I think we may collect thus much very clearly from JOHN of SALISBURY, who acquaints us with this edict. For he considers it as an offence against the church, and expressly calls the prohibition, an IMPIETY *. It is true, the decretals of *Gratian* were not yet published. But Ivo had made a collection of them in the reign of HENRY I; and we may be sure that some Code of this sort would privately go about amongst the clergy, from what was before observed of the pains taken by INNOCENT II, to propagate the decretals. We may further observe, that THEOBALD had been in high favour with INNOCENT, and that his school, at *Lambeth*, was opened immediately on his return from *Rome*, whither he had been to receive his pall from this pope, on his appointment to the see of *Canterbury* †. All which makes it probable, that *Stephen's* displeasure was not so much at the civil as canon law, which he might well conclude had no friendly aspect on his sovereignty.

And we have the greater reason to believe that this was the fact, from observing what afterwards happened in the reign of HENRY III, when a prohibition of the same nature was again issued

* POLICRATIC., lib. viii. c. 22. p. 672. *Lugd. Bat.* 1639.

† DISS. AD FLET. 1082.

out against the teachers of the *Roman* laws in *London* *. The true cause of the royal mandate is well known. GREGORY IX had just then published a new code of the decretals ; which, like all former collections of this sort, was calculated to serve the papal interest, and depress the rights of princes.

However these edicts, if we suppose them levelled against the civil law, had no effect, any more than those of the popes *Alexander* and *Honorius*, before mentioned. For the imperial law being generally well received by the princes of *Europe*, presently became a kind of *Jus gentium*. And the clergy, who aspired to power and dignities, either abroad or at home, studied it with an inconceivable rage ; inasmuch that ROGER BACON tells us, that, in his time for forty years together, the seculars, who were the ecclesiastics employed in business, never published a single treatise in divinity †.

The truth is, whatever shew the popes or our own princes might make, at times, of discountenancing the civil law, it was not the design of either absolutely and universally to suppress it. It was properly, not the civil, but the canon law, which was discountenanced by our kings. And the case of the popes was, that, when they found the imperial law opposed to the *common*,

* DISS. AD FLET. 1097.

† Dr. DUCK, p. 364.
they

they were ready to favour it; when it was opposed to the *canon*, and brought that into neglect, they forbade ecclesiastics the study of it.

Mr. SOMERS.

In the mean time the poor people, methinks, were in a fine condition between two laws, the one founded on civil, and the other on ecclesiastical tyranny. If either had prevailed, there had been an end of their liberties.

Sir J. MAYNARD.

Certainly their situation was very critical. Yet in the end it was precisely this situation that saved them. For betwixt these contentions of the crown and mitre, each endeavouring to extend its dominion over the other, the people, who were of course to be gained by either side in its distress, found means to preserve themselves from both. To see how this happened we must remember, what appears indeed from the two edicts of STEPHEN and HENRY, that the king himself was a bulwark betwixt them and the papal power. And when the king in his turn wanted to exalt his prerogative over all, the church very naturally took the alarm, as we saw in the case of *William's* separation of the two tribunals. And thus it happened, as NAT. BACON observes *,
 " That many times the pope and the clergy be-

* Disc. Part i. p. 78. Lond. 1739.

came

came protectors of the people's liberties, and kept them safe from the rage of kings". The greatest danger was, when the two powers chanced to unite in one common design against them; as they did in their general inclination for the establishment of the civil law. But here the people had the courage always to defend themselves; and with that wisdom too, as demonstrates their attention to the cause of civil liberty, and the vigilance with which they guarded even its remotest outworks.

Of their steady and watchful conduct, in this respect, I shall mention some of the many memorable examples, that occur in our history.

I have said that from the time of STEPHEN, notwithstanding his famous edict, the imperial laws were the chief and favourite study of the clergy. They had good reason for applying themselves so closely to this science, and still further views than their own immediate advancement. They wanted to bring those laws into the civil courts, and to make them the standing rule of public administration; not merely from their good will to the papal authority, which would naturally gain an advantage by this change, but for the sake of controlling the too princely barons, and in hopes, no doubt, that the imperial would in due time draw the canon laws into vogue along with them. Such, I think, were at least the secret designs of the ruling clergy;

gy; and they did not wait long before they endeavoured to put their project in execution. The plot was admirably laid, and with that deep policy as hath kept it, I believe, from being generally understood to this day.

The great men of that time were, we may be sure, too like the great men of every other, to be very scrupulous about the commission of those vices to which they were most inclined. The truth is, their profligacy was in proportion to their greatness and their ignorance. They indulged themselves in the most licentious amours, and even prided themselves in this licence. The good churchmen, no doubt, lamented this corruption of manners; but as they could not reform, they resolved at least to draw some emolument to themselves from it. The castles of the barons, they saw, were full of bastards. Nay, the courtesy of that time had so far dignified their vices, that the very name was had in honour. EGO GULIELMUS BASTARDUS, is even the preamble to one of *William* the first's charters. Yet, as respectable as it was become, there was one unlucky check on this favourite indulgence. And this, with the barons leave, the considerate bishops would presently take off. Subsequent marriage by the imperial, as well as canon, laws, legitimated bastards, as to succession; whereas the common law kept them eternally in their state of bastardy. It is not to be doubted,

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but the barons would be sensible enough of this restraint. They earnestly wished to get rid of it. And could any thing bid so fair to recommend the imperial law to their good liking, as the tender of it for so desirable a purpose? At a parliament therefore under HENRY III *, *Rogaverunt omnes episcopi, ut consentirent quod nati ante matrimonium essent legitimi.* What think ye now of this general supplication of the hierarchy? What could the barons do but comply with it, especially as it was so kindly intended for their relief, and the proposal was even made with a delicacy that might enable them to come into it with a good grace, and without the shame of seeming to desire it? All this is very true. Yet the answer of the virtuous barons is as follows. *Omnes comites et barones unâ voce responderunt, QUOD NOLUMUS LEGES ANGLIÆ MUTARI.* Wee see then what stuck with them. These barons, as licentious as they were, preferred their liberty to their pleasure. The bishops, they knew, as partisans of the pope, were for subjecting the nation to the imperial and papal laws. They offered, indeed, to begin with a circumstance very much to their taste. But if they accepted the benefit of them in one instance, with what decency could they object to them in others? They determined therefore to be consistent. They rejected a proposition, most agreeable in itself, lest their acceptance of it should make way for the intro-

* At MERTON, in the year 1236.

duction of foreign laws ; whose very genius and essence, they well knew, was arbitrary, despotic power. Their answer speaks their sense of this matter. *NOLUMUS LEGES ANGLIÆ MUTARI.* They had nothing to object to the proposal itself. But they were afraid for the constitution.

Mr. SOMERS.

I doubt, Sir *John*, my lord of *Salisbury* will bring a fresh complaint against you for this liberty with the bishops. But I, who shall not be thought wanting in a due honour for that bench, must needs confess myself much pleased as well with the novelty *, as justice of this comment. I have frequently considered this famous reply of the old barons. But I did not see to the bottom of the contrivance. Their aversion to the imperial laws, as you say, must have been very great to have put them on their guard against so inviting a proposal.

Bp. BURNET.

One thing, however, is forgotten or dissembled in this account, that the law of *Justinian*, which allows the privilege of legitimation to subsequent marriage, is grounded on some reasons that might, perhaps, recommend it to the judg-

* I have sometimes taken great offence at this sort of compliments, which the obliging writer, in effect, passes on himself, in *feigned* dialogues. But in a *real* conversation, like this, nothing is more naturally to be expected.

ment, as well as interest of the old prelates. Besides, they doubtless found themselves much distressed by the contrariety of the two laws in this instance. For the ground of their motion, as I remember, was, *Quod esset secundum communem formam ecclesiæ*. But to deal ingenuously with you, Sir *John*, you have dressed up your hypothesis very plausibly. And I, who am no advocate for the civil or ecclesiastical laws, in this or any instance where they clash with those of my country, can allow your raillery on *Henry's* good bishops, if it were only that I see it makes so much for your general argument.

Sir J. MAYNARD.

Your lordship may the rather excuse this liberty with the *church*, as I propose, in due time, to deal as freely with the *LAW*; a similar plot, which I shall have occasion to mention presently, having been formed against the ancient constitution by the men of our profession.

Mr. SOMERS.

In the mean time, Sir *John*, you must give me leave, in quality of advocate for the church, to observe one thing that does the churchmen honour. It is, that, in these attempts on the constitution, the judges and great officers of the realm, who, in those times were of the clergy, constantly took the side of the *English* laws; as my lord *Coke* himself, I remember, takes notice in his commentary on this statute of *MERTON*.

Sir

Sir J. MAYNARD.

I believe the observation is very just. But I should incline to impute this integrity, not to the influence of church principles, but those of the common law, and so turn your compliment to the honour of our profession, instead of theirs, if it were not too clear in fact that every profession, in its turn, hath been liable to this charge of corruption.

But I was going on with my proofs of the national aversion to the imperial law. The next shall be taken from that famous dispute concerning the succession to the crown of *Scotland* in the reign of EDWARD I. For a question arising about the kind of law, by which the controversy should be decided, and it being especially debated, whether the Cæsarean law, as a sort of *jus gentium*, ought not, in such a cause, to have the preference to the law of *England*; it was then unanimously determined by the great council of NORHAM, that the authority of the Cæsarean law should by no means be admitted; NE INDE MAJESTATIS ANGLICANÆ JURIFIERET DETRIMENTUM *.

This determination was public, and given on a very solemn occasion. And in general we may observe, that at the junctures when the state hath been most jealous of its liberty and honour, it

* DISS. AD FLET. 1108.

hath declared the loudest against the *imperial laws*. As in the WONDER-WORKING parliament under RICHARD II, when the duke of *Gloucester* accused the archbishop of *York*, the duke of *Ireland*, and other creatures of the king, of high treason. The charge was so fully proved, that the court had no other way of diverting the storm than by pretending an irregularity in the forms of procedure. To this end the lawyers were consulted with, or more properly directed. I will disguise nothing. They descended so much from the dignity of their profession, as to act in perfect subserviency to the views of the court; and therefore gave it as their opinion, that the proceedings against the lords were of no validity, as being contrary to the forms prescribed by the *civil law*. The barons took themselves to be insulted by these shifts of the lawyers. They insisted that the proceedings were agreeable to their own customs, and declared roundly that they would never suffer *England* to be governed by the *Roman civil law* *.

What think ye now of these examples? Are they not a proof that the spirit of liberty ran high in those times, when neither the intrigues of churchmen, nor the chicane of lawyers could put a stop to it? It seems as if no direct attempts on the constitution could have been made with the

* See FORTESCUE *De laudibus leg. Angl.* p. 74. Lond. 1741; and Selden's *JANUS ANGLORUM*, 1010. vol. ii. tom. ii.

least appearance of success; and that therefore the abettors of arbitrary power were obliged to work their way obliquely by contriving methods for the introduction of a foreign law. And in this project they had many advantages, which nothing but an unwearied zeal in the cause of liberty could have possibly counteracted. From the reign of STEPHEN to that of EDWARD III, that is, for the space of near 200 years, the *Roman* law had been in great credit *. All the learning of the times was in the clergy, and that learning was little more than the imperial and canon laws. The fact is so certain, that some of the clergy themselves, when in an ill temper, or off their guard, complain of it in the strongest terms. And to see the height to which this humour was carried, not the seculars only who intended to rise by them, but the very monks in their cells studied nothing but these laws †. To complete the danger, the magistracies and great offices of the kingdom were filled with churchmen ‡. Who would expect, now, with those advantages, but that the *Roman* law would have forced its way into our civil courts? It did indeed insinuate itself there as it were by stealth, but could never appear with any face of authority. The only service that would be accepted from it was, that of illustration only in the course of their pleadings, whilst the lawyers quoted oc-

* DISS. AD FLET. 1104.

† Dr. DUCK, p. 365.

‡ DISS. AD FLET. 1010.

caſionally from the INSTITUTES, juſt as they might have done from any other antient author*. Yet, ſo long as the churchmen preſided in the courts of juſtice, this intruder was to be reſpected; and it is pleaſant to obſerve the wire-drawing of ſome of our ableſt lawyers in their endeavours to make the policy of *England* ſpeak the language of *Rome*. Mr. *Selden's* diſſertation on FLETA †, which lies open before me, affords a curious inſtance. The civil law ſays, “*Populus ei [Cæſari] et in eum omne ſuum imperium et poteſtatem conferat;*” meaning, by *people*, the *Roman* people, and ſo eſtabliſhing the deſpotic rule of the prince. But BRACTON took advantage of the ambiguity to eſtabliſh that maxim of a free government, “*That all dominion ariſes from the people.*” This, you will ſay, was good management. But what follows is ſtill better. “*Nihil aliud, ſays he, poteſt rex in terris, cum ſit Dei miniſter et vicarius, niſi quod JURE poteſt. Nec OBSTAT quod dicitur, QUOD PRINCIPI PLACET LEGIS HABET VIGOREM. Quia ſequitur in fine legis, CUM LEGE REGIA QUÆ DE IMPERIO EJUS LATA EST; id eſt, non quicquid de voluntate regis temerè præſumptum eſt, ſed quod conſilio magiſtratum ſuorum, rege auctoritatem præſtante, et habitâ ſuper hoc deliberatione et tractatu, rectè fuerit definitum.*” Thus far old BRACTON; who is religiously followed in the ſame gloſs by THORNTON, and the author of

* DISS. AD FLET. 1106.

† Pag. 1046.

FLETA.

FLETA. But what! you will say, this is an exact description of the present constitution. It is so, and therefore certainly not to be found in the civil law. To confess the truth, these venerable sages are playing tricks with us. The whole is a premeditated falsification, or, to say it softer, a licentious commentary for the sake of *English* liberty. The words in the PANDECTS and INSTITUTIONS are these; “QUOD PRINCIPI PLACUIT, LEGIS HABET VIGOREM, UTPOTE CUM LEGE REGIA, QUÆ DE IMPERIO EJUS LATA EST, POPULUS EI ET IN EUM OMNE SUUM IMPERIUM ET POTESTATEM CONFERAT.

My honest friend, in mentioning this extraordinary circumstance, says, one cannot consider it, *sine stupore*. He observes, that these lawyers did not quote the Pandects by hear-say, but had copies of them; and therefore adds (for I will read on) “Unde magis mirandum quânam ratione evenerit, ut non solum ipse, adeò judiciis forensibus clarus et (si Biographis scriptorum nostratum fides) professor juris utriusque Oxoniensis, verum etiam THORNTONIUS juris aliàs peritissimus, et FLETÆ author, adeò diversam lectionem, sensumque diversum atque interpretibus aliis universis adeò alienum in illustrissimo juris Cæsarei loco explicando tam fidentèr admiserint.” The difficulty, you see, increases upon him. But we shall easily remove it by observing, that the Cæsarean laws, though they had no proper authority

thority with us, yet were much complimented in those times, and were to be treated on all occasions with ceremony. And therefore those lawyers, that lived under and wanted to support a free constitution, saw there was no way of serving their cause so effectually, as by pretending to find it in the *Roman institutes*.

MR. SOMERS.

This management of *Braſton*, and his followers, makes some amends for the ill conduct of RICHARD the second's lawyers. And as to their chicanery, the ingenuity of the gloss, we will suppose, was no more than necessary to correct the malignity of the text.

SIR J. MAYNARD.

They had, no doubt, consulted their honour much more by insisting roundly, as they might have done, that the text had no concern at all in the dispute. But I mention these things only to shew the extreme reverence, that was then paid to the civil law, by the shifts the common lawyers were put to in order to evade its influence. From which we learn how rooted the love of liberty must have been in this nation, and how unshaken the firmness of the national councils in supporting it, when, notwithstanding the general repute it was of in those days, the imperial law could never gain authority enough to prescribe to us in any matters that concerned the rights of
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the crown, or the property of the subject. And this circumstance will be thought the more extraordinary, if it be considered, that, to the general esteem in which the *Roman* law was held by the clergy, our kings have usually added the whole weight of their influence; except indeed at some particular junctures, when their jealousy of the *canon* law prevailed over their natural bias to the *civil*.

Mr. SOMERS.

I should be unwilling to weaken any argument you take to be of use in maintaining the noble cause you have undertaken. But, methinks, this charge on our princes would require to be made out by other evidence* than hath been commonly produced for it. There is no doubt but many of them have aimed at setting themselves above the laws of their country, but is it true (I mean though FORTESCUE himself† has suggested the same thing) that for this purpose they have usually expressed a partiality to the *Roman* laws?

Sir J. MAYNARD.

I believe it certain that they have, and on better reasons than the bare word of any lawyer whatsoever. What think you of *Richard* the

* Mr. *Selden* himself was of the same mind. DISS. AD FLET. 1109.

† *De laud. leg. Angl.* c. 33, 34.

second's policy in the instance beforementioned? That RICHARD, who used to declare, "That the laws were only in his mouth and breast, and that he himself could make and unmake them at his pleasure." We may know for what reason a prince of this despotic turn had recourse to the *Roman* law. But even his great predecessor is known to have been very indulgent towards it. And still earlier EDWARD I took much pains to establish the credit of this law; and to that end engaged the younger ACCURSIUS, the most renowned doctor of the age, to come over into *England*, and set up a school of it at *Oxford*. Or, to wave these instances, let me refer you to a certain and very remarkable fact, which speaks the sense, not of this or that king, but of the whole succession of our princes. The imperial law, to this day, obtains altogether in the courts of admiralty, in courts marescall, and in the universities*. On the contrary, in what we call the courts of law and equity, it never hath, nor ever could prevail. What shall we say to this remarkable difference, or to what cause will you ascribe it, that this law, which was constantly excluded with such care from the one sort of courts, should have free currency and be of sole authority in the other? I believe it will be difficult to assign any other than this: that the subjects of decision in the first species of courts are matters in the resort of the king's prerogative,

* DISS. AD PLET. 1102.

such as peace and war, and the distribution of honours; whilst the subjects of decision in the courts of common law are out of his prerogative, such as those of liberty and property. The king had his choice by what law the first sort of subjects should be regulated, and therefore he adopted the imperial law. He had not his choice in the latter instance; and the people were never satisfied with any other than the law of the land.

Mr. SOMERS.

Yet Mr. *Selden*, you know, gives another reason of this preference: it was, he thinks, because foreigners are often concerned with the natives in those tribunals where the civil law is in use.

Sir J. MAYNARD.

True; but my learned friend, as I conceive, did not attend to this matter with his usual exactness. For foreigners are as frequently concerned in the courts of law and equity, as in the other tribunals. The case in point of reason is very clear. In all contests that are carried on between a native and a foreigner, as the subject of another state, the decision ought to be by the law of nations. But when a foreigner puts himself with a native under the protection of our state, the determination is, of course, by our law: and the practice hath uniformly corresponded to the right in the courts of law and equity; in the other tribunals, the right hath
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given way to the will of the prince, who had his reasons for preferring the authority of the imperial law.

Upon the whole, if we consider the veneration, which the clergy usually entertained, and endeavoured to inculcate into the people, for the civil law; the indulgence shewn it by the prince; its prevalence in those courts which were immediately under the prerogative; and even the countenance shewn it at times in the course of pleadings at common law; we cannot avoid coming to this short conclusion, "That the genius of the imperial laws was repugnant to our constitution; and that nothing but the extreme jealousy of the barons, lest they might prove, in pleas of the crown, injurious to civil liberty, hath kept them from being received in *England* on the same footing that we every where find they are in the other countries of *Europe*, and as they are in *Scotland* to this day.

But if you think I draw this conclusion too hastily, and without grounding it on sufficient premises, you may further consider with me, if you please, THE FATE AND FORTUNES OF THE CIVIL LAW IN THIS KINGDOM DOWN TO THE PRESENT TIME *. In the reigns of HENRY VII and VIII, and the two first kings of the house

* The Speaker, if he had been so pleased, might have begun this account of the *fate and fortunes* of the civil law still higher. NAT. BACON, speaking of *Henry* the fifth's reign, observes,
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of STUART, that is, the most despotic of our princes, the study of the civil law hath been more especially favoured; as we might conclude from the general spirit of those kings themselves, but as we certainly know from the countenance they shewed to its professors; from their chusing to employ them in their business, and from the salaries and places they provided for their encouragement. Yet see the issue of all this indulgence to a foreign law, and the treatment it met with from our parliaments and people! The

“The times were now come about, wherein light began to spring forth, conscience to bestir itself, and men to study the scriptures. This was imputed to the idleness and carelessness of the clergy, who suffered the minds of young scholars to luxuriate into errors of divinity, for want of putting them on to other learning; and gave no encouragement to studies of humane literature, by preferring those that were deserving. The convocation taking this into consideration, do decree, that no person should exercise any jurisdiction in any office, as *vicar general*, *commissary*, or *official*, or otherwise, unless he shall first in the university have taken degrees in the CIVIL OR CANON LAWS. A shrewd trick this was to stop the growth of the study of divinity, and *Wickliff's* way: and to embellish men's minds with a kind of learning that may gain them preferment, or at least an opinion of abilities beyond the common strain, and dangerous to be meddled with. Like some gallants, that wear swords as badges of honour, and to bid men beware, because they possibly may strike, though, in their own persons, they may be very cowards. And no less mischievously intended was this against the rugged COMMON LAW, a rule so nigh allied to the gospel-way, as it favoureth liberty; and so far estranged from the way of the civil and canon law, as there is no hope of accommodation till Christ and Anti-Christ have fought the field.” Disc. Part ii. p. 90. Lond. 1739.

oppressions

oppressions of EMPSON and DUDLEY had been founded in a stretch of power; usurped and justified on the principles of the civil law; by which these miscreants had been enabled to violate a fundamental part of our constitution, the way of *trial by JURIES*. The effect on the people was dreadful. Accordingly in the entrance of the next reign, though the authority, by which they had acted, had even been parliamentary, these creatures of tyranny were indicted of high treason, were condemned and executed for having been instrumental in subverting LEGEM TERRÆ; and the extorted statute, under which they had hoped to shelter themselves, was with a just indignation repealed.

Yet all this was considered only as a necessary sacrifice to the clamours of an incensed people. The younger HENRY, we may be sure, had so much of his father in him, or rather so far outdid him in the worst parts of his tyranny, that he could not but look with an eye of favour on the very law, he had been constrained to abolish. His great ecclesiastical minister was, no doubt, in the secret of his master's inclinations, and conducted himself accordingly. Yet the vengeance of the nation pursued and overtook him in good time. They resented his disloyal contempt of the original constitution; and made it one of the articles against this *Roman* cardinal, "That he endeavoured to subvert, *Antiquissimas leges hujus regni,*

regni, universumque hoc regnum LEGIBUS IMPERIALIBUS subicere."

From this time the study of the civil law was thought to languish in *England*, till it revived with much spirit in the reigns of those unhappy princes who succeeded to the house of *TUDOR*. Then indeed, by inclination and by pedantry, *JAMES I.* was led to patronize and encourage it. And the same project was resumed, and carried still further, by his unfortunate son. I speak now from my own experience and observation. The civil lawyers were most welcome at court. They were brought into the chancery and court of Requests. The minister, another sort of man than *Wolfey*, yet a thorough ecclesiastic, and bigotted, if not to the religion, yet to the policy of *Rome*, gave a countenance to this profession above that of the common law. He had found the spirit, and even the forms of it, most convenient for his purpose in the *STAR-CHAMBER* and *HIGH-COMMISSION* court, those tribunals of imperial justice, exalted so far above the controul of the common law; and by his good will, therefore, he would have brought the same regimen into the other branches of the administration. Great Civilians were employed to write elaborate defences of their science; to the manifest exaltation of the prerogative; to the prejudice of the national rights and privileges; and to the disparagement of the common law.

The consequence of these proceedings is well known. The most immediate was, that they provoked the jealousy of the common lawyers; and, when the rupture afterwards happened, occasioned so many of the most eminent of them to throw themselves into the popular scale*. Yet to see the uniformity of the views of tyranny, and the direct opposition which it never fails to encounter from the *English* law, no sooner had a set of violent men usurped the liberties of their country, and with the sword in their hands determined to rule despotically and in defiance of the constitution, than the same jealousy of the common law, and the same contempt of it revived. Nay, to such an extreme was the new tyranny carried, that the very game of EMPSON and DUDLEY was played over again. The trial of an *Englishman*, by his peers, was disgraced and rejected; and (I speak from what I felt) the person imprisoned and persecuted, who dared appeal, though in his own case†, to the ancient ef-

* He might have added, in honour of their patriotism, that "they afterwards took themselves out of it," when they saw the extremities to which the popular party were driving.

† This alludes to the proceedings against the *eleven members* upon the charge of the army. Sir John Maynard was one of them. And when articles of high treason were preferred against him, and the trial was to come on before the lords, he excepted to the jurisdiction of the court, and, by a written paper presented to them, required to be tried by his peers according to *Magna Charta*, and the law of the land. See WHITLOCKE'S *Memorials*; and a short pamphlet written on that occasion, called THE ROYAL QUARREL, dated 9th of February, 1647. — Sir John was, at this time, a close prisoner in the Tower.

fential forms of the constitution. Under such a state of things, it is not to be wondered that much pains was taken to depreciate a law which these mighty men were determined not to regard. Invectives against the professors of the *English* laws were the usual and favoured topics of parliamentary eloquence. These were sometimes so indecent and pushed to that provoking length, that WHITLOCKE himself, who paced it with them through all changes, was forced, in the end, to hazard his reputation with his masters by standing on the necessary defence of himself and his profession *.

I need not, I suppose, descend lower. Ye have both seen with your own eyes the occurrences of the late reign. Ye have heard the common language of the time. The practice was but conformable to such doctrines as were current at court, where it was generally maintained, that the king's power of dispensing with law, was LAW; by which if these doctors did not intend the *imperial or civil law*, the insult was almost too gross to deserve a confutation. It must be owned, and to the eternal shame of those who were capable of such baseness, there were not wanting some even of the common lawyers that joined in this insult.

* See his speech, inserted in his *Memorials of English affairs*, Nov. 1649.

I but touch these things slightly, for I consider to whom I speak. But if, to these examples of the nation's fondness for their laws, you add, what appears in the tenor of our histories, the constant language of the *coronation-oaths, of the oaths of our judges*, and above all of the *several great charters*; in all which express mention is made of the *LEX TERRÆ*, in opposition to every foreign, but especially the Cæsarean law; you will conclude with me, "That as certainly as the *CÆSAREAN LAW* is founded in the principles of slavery, our *ENGLISH LAW*, and the constitution to which it refers, hath its foundation in freedom, and, as such, deserves the care with which it hath been transmitted down to us from the earliest ages."

What think ye now, my good friends? Is it any longer a doubt that the constitution of the *English* government, such I mean as it appears to have been from the most unquestioned annals of our country, is a free constitution? Is there any thing more in the way of this conclusion? Or does it not force itself upon us, and lie open to the mind of every plain man that but turns his attention upon this subject? You began, Mr. *Somers*, with great fears and apprehensions; or you thought fit to counterfeit them at least. You suspected the matter was too mysterious for common understandings to penetrate, and too much involved in the darkness of antient times to be brought

brought into open day-light. Let me hear your free thoughts on the evidence I have here produced to you. And yet it is a small part only of that which might be produced, of that I am sure which yourself could easily have produced, and perhaps expected from me. But I content myself with these obvious truths, "That the liberty of the subject appears, and of itself naturally arose, from the very nature of the FEUDAL, which is properly (at least if we look no further back than the conquest) the *English* constitution; that the current of liberty has been gradually widening, as well as purifying in proportion as it descended from its source; that charters and laws have removed every scruple that might arise about the reciprocal rights and privileges of prince and people; that the sense of that liberty which the nation enjoyed under their admirable constitution was so quick, that every the least attempt to deprive them of it, gave an alarm; and their attachment to it so strong and constant, that no artifice, no intrigue, no perversion of law and gospel, could induce them to part with it: that, in particular, they have guarded this precious deposit of legal and constitutional liberty with such care, that, while the heedless reception of a foreign law, concurring with other circumstances, hath rivetted the yoke of slavery on the other nations of *Europe*, this of *England* could never be cajoled nor driven into any terms of accommodation with it; but, as NAT. BACON *

* Disc. Part i. p. 78.

said truly, *That the triple crown could never well solder with the English*, so neither could the *imperial*; and that, in a word, the ENGLISH LAW hath always been preserved inviolate from the impure mixtures of the canon and Cæsarean laws, as the sole defence and bulwark of our civil liberties.”

These are the plain truths which I have here delivered to you, and on which I could be content to rest this great cause; I mean, if it had not already received its formal and, I would hope, final determination in another way. For no pretences will surely prevail hereafter with a happy people to renounce that liberty, which so rightfully belonged to them at all times, and hath now so solemnly been confirmed to them by the great transactions of these days. I willingly omit therefore as superfluous, what in a worse cause might have been thought of no small weight, the express testimony of our ablest lawyers to the freedom of our constitution. I don't mean only the COKES and SELDENS of our time (though in point of authority what names can be greater than theirs); but those of older and therefore more reverend estimation, such as GLANVIL, BRACTON, the author of FLETA, THORNTON, and FORTESCUE*: men the most esteemed

* The reader may not be displeased to see the words of old *Fortescue* on this subject of the origin of the *English* government, which are very remarkable. In his famous book *De laudibus legum Angliæ*, he distinguishes between the REGAL and POLITI-
and

and learned in their several ages ; who constantly and uniformly speak of the *English*, as a mixed and limited form of government, and even go so far as to seek its origin, where indeed the origin of all governments must be sought, in the free will and consent of the people.

All this I might have displayed at large ; and to others perhaps, especially if the cause had required such management, all this I should have displayed. But independently of the judgments of particular men, which prejudice might take occasion to object to, I hold it sufficient to have proved from surer grounds, from the very form and make of our political fabric, and the most unquestioned, because the most public, monuments of former times, “ THAT THE ENGLISH CONSTITUTION IS ASSUREDLY AND INDISPUTABLY FREE.

Bp. BURNET.

You will read, Sir *John*, in our attention to this discourse, the effect it has had upon us. The zeal, with which you have pleaded the cause of

CAL forms of government. In explaining the *latter*, which he gives us as the proper form of the *English* government, he expresseth himself in these words — “ Habes instituti omnis POLITICI REGNI formam, ex quâ metiri poteris potestatem, quam rex ejus in leges ipsius aut subditos valeat exercere: ad tutelam namque legis subditorum, ac eorum corporum et bonorum rex hujusmodi erectus est, et hanc potestatem A POPULO EFFLUXAM ipse habet, quo ei non licet potestate aliâ suo populo dominari.”
CAP. xiii.

liberty, makes me almost imagine I see you again in the warmth and spirit of your younger years, when you first made head against the encroachments of civil tyranny. The same cause has not only recalled to your memory the old topics of defence, but restores your former vigour in the management of them. So that for myself, I must freely own, your vindication of our common liberties is, at least, the most plausible and consistent that I have ever met with.

Mr. SOMERS.

And yet, if one was critically disposed, there are still, perhaps, some things that might deserve a further explanation.—But enough has been said by you, Sir *John*, to shew us where the truth lies: and, indeed, from such plain and convincing topics, that whatever fears my love of liberty might suggest, they are much abated at least, if not entirely removed by your arguments.

Bp. BURNET.

Mr. *Somers*, I perceive, is not easily cured of his scruples and apprehensions. But for my own part, Sir *John*, I can think but of one objection of weight that can be opposed to your conclusion. It is, “That notwithstanding the clear evidence you have produced, both for the free nature of the *English* constitution, and the general sense of the *English* nation concerning it, yet, in fact, the government was very despotic under the *TUDOR*,
and

and still more perhaps under the first princes of the STUART line. How could this happen, may it be asked, on your plan which supposes the popular interest to have been kept up in constant vigour, or rather to have been always gaining, insensibly indeed but necessarily, on the power of the crown? Will not the argument then from historical evidence be turned against you, whilst it may be said that your theory, however plausible, is contradicted by so recent and so well attested a part of our history? And, in particular, will not the partisans * of the late king and his family

* Our sage bishop was not mistaken in his conjecture. One of these *partisans* has just now appeared, who forms his apology for the house of *Stuart* on these very principles.

He maintains, "That the high prerogative of the crown, so much pretended to, and so warmly opposed, in the reigns of the house of *Stuart*, had been exercised by their predecessors of the *Tudor* line; and that the administration of that family had been, in a high degree, imperious, arbitrary, and despotic."

Admitting his premises, what follows? Why, "That therefore the patriots, to whom we owe our present, and, it seems, lately usurped liberties, are little deserving of those praises, which have been so liberally bestowed upon them; and that the memory of the house of *Stuart*, from whom they were usurped, cannot be fostered with too much tenderness and compassion." I hardly mistake his meaning; but his own words, as decency required, are something softer — "The praise, which we bestow on those patriots, to whom we are indebted for our privileges, ought to be given *with some reserve*, and surely *without the least rancour* against those who adhered to the ancient constitution *."

Now, though this apology for the unhappy *Scotish* line be very generous, every one may not be brought to feel the force of his conclusion. For how does it follow, that, because the arbitrary

* Mr. HUME's *Hist. of England*. ELIZABETH, p. 716.

have

have to alledge in their behalf, that their notions of the prerogative were but such as they succeeded to with the crown; and, whatever may be

government of one family was born with by the people, in certain critical conjunctures, or was necessary to be complied with for certain temporary and political ends, *therefore* they should suffer another family to confirm and perpetuate that tyranny; when their own more ancient privileges, and the very genius of their constitution, reclaimed against it; and when all the reasons had now ceased, which had produced and seemed to merit that indulgence?

He tells us indeed, that "in the particular exertions of power, the question ought never to be forgot, *what is best?* But, in the general distribution of power among the several members of a constitution, there can seldom be admitted any other question, than *what is usual?*"

Were this true, is that *use* to be estimated only from the immediately preceding times? At this rate I desire to know how a free constitution could ever support itself in any country? Ambition, intrigue, expediency, neglect, and even chance itself are constantly introducing, and for a time will frequently continue, infringements of a people's rights. And shall usurpation, under the name of *use*, be presently pleaded against the resumption of them?

"But whether these patriots were to blame, or no, for opposing *what was usual*, surely that family, who followed so reasonable a rule, or, in the historian's language, *who adhered to the ancient constitution*, can be thought deserving of no great censure."

What, not for endeavouring to rivet those chains of servitude, which their predecessors had been kindly forging, on the necks of their subjects? Not, for endeavouring to turn irregularities into precedent, and extravagancies into system, and so to enslave a mighty people beyond all hopes of redemption?

But what, after all, is this *ancient constitution* to which he appeals? He is something shy of answering the question; and it is

* ELIZABETH, p. 716.

pretended

pretended from researches into remoter times, that they endeavoured only to maintain the monarchy on the footing on which it had stood

well we can do it ourselves by reflecting on what he has dropped, not without design, elsewhere; I mean, in the former part of this history*, where he warns us *against the curiosity of looking further back into the English affairs than the accession of the Tudor family*, that is, of that very family, which had given birth to *his ancient constitution*. “Here, says the historian, commences the useful, as well as agreeable part of modern annals.—Whoever carries his *anxious* researches into preceding periods is moved by a curiosity, liberal indeed and commendable; not by any necessity for acquiring a *knowledge of public affairs*, or the arts of *civil government*.”

This warning to his reader was kind, but will hardly be taken by those for whose sake it is intended; the friends of liberty knowing very well that the *English* constitution was formed, and even fixed, on immoveable principles of public freedom long before the accession of the house of *Tudor*. So that to interdict our researches into the remoter parts of our history is, in effect, to bid us shut our eyes, and swear against day-light. It is just as reasonable as to say that, to judge of the *Greek* and *Roman* constitutions, there is no need of going farther back in our reading than to the reign of *PISISTRATUS*, or the dictatorship of *SYLLA*, for that all before those æras contributeth nothing to a knowledge of the thing in question.—But, in the free ages of *Greece* and *Rome*, would any historian of either nation have given this counsel to his fellow-citizens?

Thus much, and no more, I presume to say, as Editor of these *DIALOGUES* on the *English Constitution*; which are luckily so compounded, as to afford a seasonable antidote to the poison of this new history. For if it be true, as the *first* of them pretends, “That we had a *free constitution* for ages, before it suffered an interruption under the baleful influence of the *Tudors*;” and a reasonable account be given, in the *second*, “Why the nation was content to repose itself for a time under the shade of despotism,

* HENRY VII. p. 67.

for many successions, and on which it then stood when the administration fell into their hands? If this point were effectually cleared, I see nothing that could be further desired to a full and complete vindication of *English* liberty.

Sir J. MAYNARD.

Your lordship, I must own, has touched a very curious and interesting part of our subject. But you must not believe it was so much overlooked by me, as purposely left for your lordship's better consideration. You, who have looked so minutely and carefully into the story of those times, will, better than any other, be able to unfold to us the mysteries of that affair. The fact is certain, as you say, that the *English* government wore a more despotic appearance from the time of the TUDOR family's accession to the throne, than in the reigns preceding that period. But I am mistaken, if your lordship will not open the reason of it so clearly as to convince us, that that increase of prerogative was no proof of a change in the constitution, and was even no symptom of declining liberty. I do not allow myself to speak my sentiments more plainly at present. But I am sure, if they are just, they will receive a confirmation from what your lordship will find

while the vestal fires of liberty burnt faintly indeed, but were not extinguished;" the reader is left to himself to answer that insulting question, *Whether it was the people, who encroached upon the sovereign, or the sovereign, who attempted to usurp on the people* *.

* Pag. 611.

occasion

occasion to observe to us in discoursing on this subject.

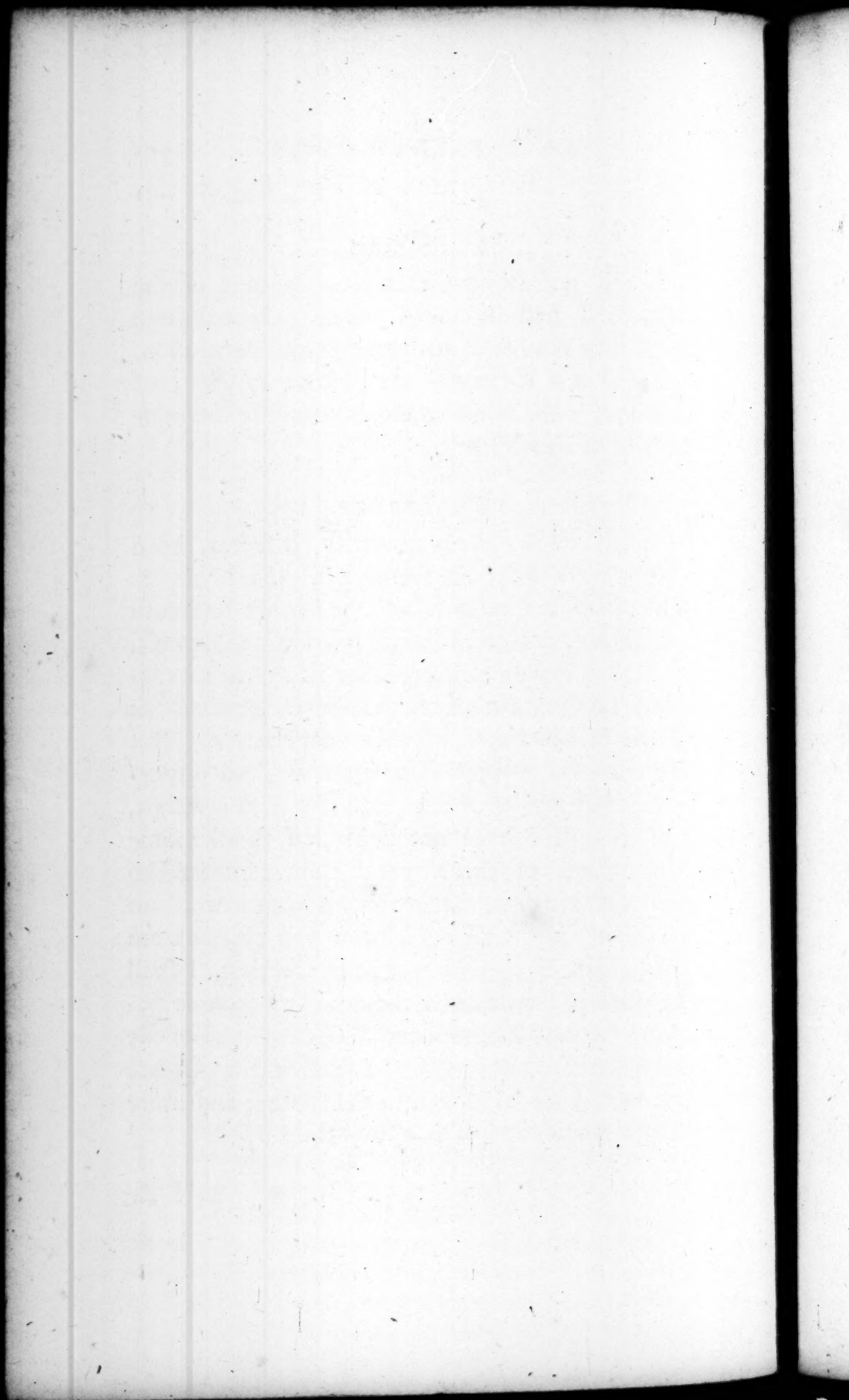
Mr. SOMERS.

I will not disown that this was one of the matters I had in view, when I hinted some remaining doubts about your general conclusion. But I knew it would not escape my lord of *Salisbury*, who, of all others, is certainly the most capable of removing it.

Bp. BURNET.

So that I have very unwarily, it seems, been providing a fine task for myself. And yet, as difficult as I foresee it will be for me to satisfy two such Inquirers, I should not decline that task, if I was indeed prepared for it, or, if I could boast of such a memory as Sir *J. Maynard* has shewn in the course of this conversation. But the truth is, though I have not wanted opportunities of laying in materials for such a design, and though I have not neglected to take some slight notes of them, yet I cannot pretend to have them at once in that readiness, as to venture on such a discourse as I know you expect from me. But, if against our next meeting, I shall be able to digest such thoughts as have sometimes occurred to me when I was engaged in the history of the reformation, I shall take a pleasure to contribute all I can to the further and more entire elucidation of this subject.

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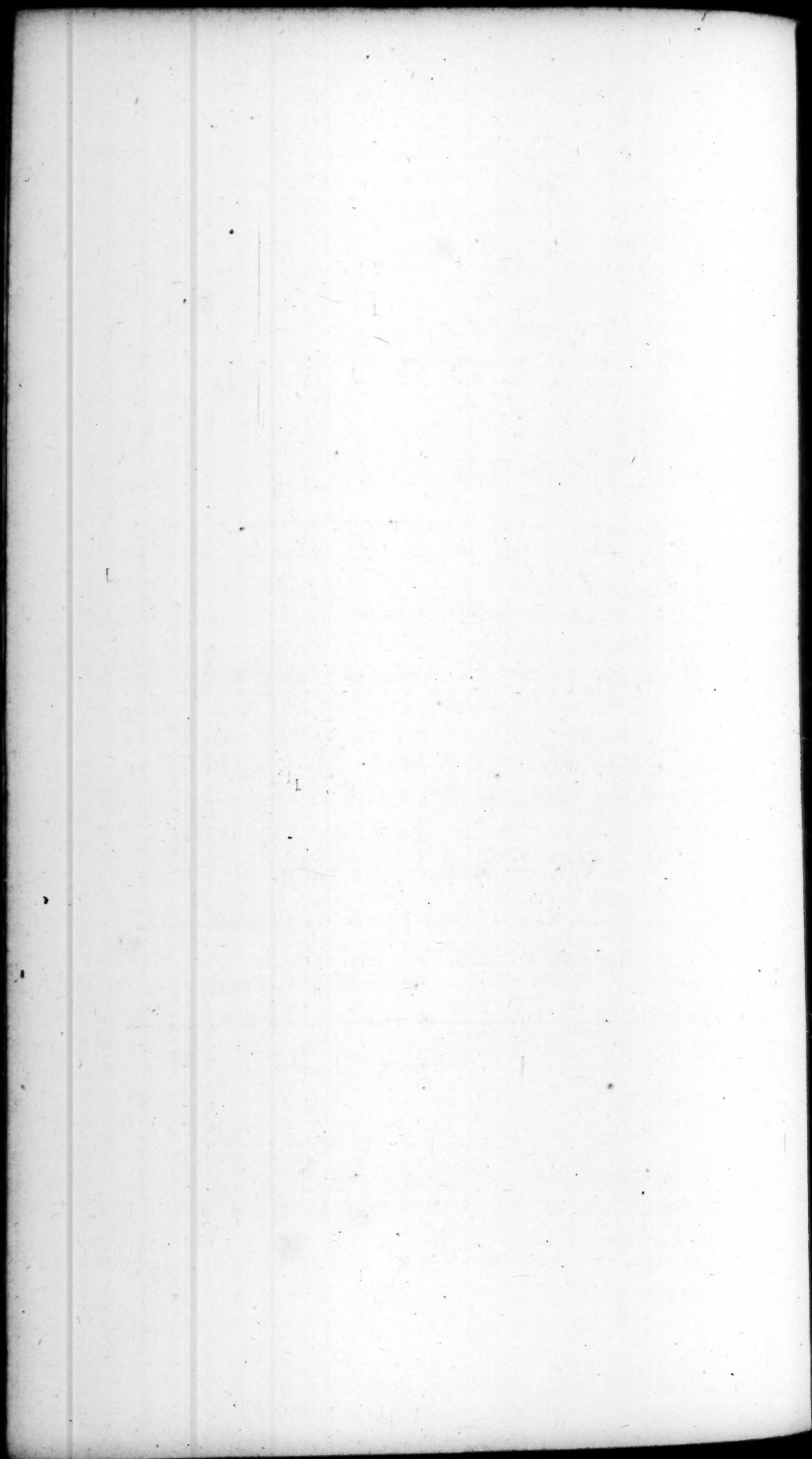
D I A L O G U E VI.
ON THE
CONSTITUTION
OF THE
ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS,
Bishop BURNET.

Written in the Year 1689.

Atque hæc deinde canit divino ex ore SACERDOS.

VIRG.



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DIALOGUE VI.

Sir JOHN MAYNARD, Mr. SOMERS,
Bishop BURNET*.

To Dr. TILLOTSON.

OUR next meeting at Sir J. MAYNARD'S was on the evening of that day, when the war was proclaimed against *France**. What the event of it will be, is a secret in the counsels of providence. But if the goodness of our cause, his majesty's known wisdom and ability, and above all the apparent zeal and firmness of all orders amongst us in support of this great undertaking, may give a prospect of success, we cannot, I persuade myself, but indulge in the most reasonable hopes and expectations.

Perhaps, the time is approaching, my dear friend, which the divine goodness hath decreed for putting a stop to that outrageous power, which hath been permitted for so long a course of years to afflict the neighbouring nations. It may be, the season is now at hand, when God

* May 7, 1689.

will vouchsafe to plead the cause of his servants, and let his mighty persecutor of the faithful know that he may not be suffered any longer to trample on the sacred rights of conscience. He may be taught to feel, that the ravages he hath committed in the fairest provinces, and the cruelties he hath exercised on the best subjects, of his own kingdom, have at length awakened the divine displeasure against him. And he may live to find in our great prince (raised up, as I verily believe, to this eminence of place and power to be the scourge of tyrants, and the vindicator of oppressed nations) an insurmountable bulwark against that encroaching dominion, which threatens to deform and lay waste the rest of *Europe*.

I have already lived to see those providences, which may encourage a serious and good mind to believe that some great work is preparing in our days. I was very early in my life a witness to the high measures which were taken and carried on by an intolerant hierarchy, acting in subserviency to an arbitrary court, in mine own country of *Scotland*. And I have lamented the oppression in which good men were held for conscience sake in all the three kingdoms. How far this tyranny was carried, and how near we were brought to the destruction of all our civil and religious rights need not be told, and the occurrences of the two last reigns will not suffer to be forgotten.

forgotten. It is sufficient to observe, that when the danger was now brought to a crisis, and the minds of all men were filled with the most alarming apprehensions, it pleased God to rescue us in a moment, and, by the most astonishing display of his goodness, from the impending ruin. Our chains fell off at once, as by a miracle of mercy: Our civil rights have been restored. And the legal toleration *, we have just now obtained in consequence of the new settlement, hath put us into possession of that religious liberty, which, as men, as christians, and as protestants, we cannot but esteem the first of all public blessings.

And who knows but that, in the gracious designs of heaven, the same hand, which hath redeemed these nations from the yoke of slavery and of *Rome*, may be now employed to shake it off from the necks of our protestant brethren on the continent †? The world hath seen how long and how severely they have groaned under that

* The act of toleration did not pass till *May 24, 1689*; which lets us see at what time this preface was drawn up.

† This, I suppose, was the talk of men at that time. It was perhaps in the King's intention. But the design, if it had ever been formed, miscarried; as the bishop himself observes in his history—"The most melancholy part of the treaty of *Ryswick* was, that no Advantages were got by it, in favour of the protestants in *France*." Vol. iv. p. 295. *Edinb. 1753*.—Whether the blame of this lies in the King, or his parliaments, or neither, the reader is left to judge for himself from considering the state and transactions of those times.

intolerant power, with which we are now at war. When the violences of the late reign had driven me into a sort of voluntary exile, and in the course of it I traversed some of those unhappy provinces of *France*, which were most exposed to the rigours of persecution *, how have these eyes wept over the distresses of the poor sufferers, and how hath my heart bled for the merciless cruelties which I every where saw exercised upon them! The fury, which appeared on that occasion, was so general and so contagious, that not only priests and court sycophants, but men of virtuous minds and generous tempers were transported, as it were, out of their proper

* These rigours which the bishop touches in this place, he afterwards gave a particular account of in THE HISTORY OF HIS OWN TIMES, vol. iii. *Edinb.* 1753.—speaking of the persecution of the *French* protestants, he says, “ I went over a great part of *France*, while it was in its hottest rage from *Marseilles* to *Montpelier*, and from thence to *Lyons*, and so on to *Geneva*. I saw and knew so many instances of their injustice and violence, that it exceeded even what could have been well imagined; for all men set their Thoughts on work to invent new methods of cruelty. In all the towns through which I passed, I heard the most dismal accounts of things possible, p. 60.—Again—The fury that appeared on this occasion did spread itself with a sort of contagion: for the intendants and other officers, that had been mild and gentle in the former parts of their life, seemed now to have laid aside the compassion of Christians, the breeding of gentlemen, and the impressions of humanity.” p. 61.—One may conclude from the likeness of these passages, that the bishop, in this recital, purposely copied from the loose papers, that were then in his hands, out of which he afterwards composed his *Memoirs*.

nature,

nature, and seemed to divest themselves of the common notices and principles of humanity.

In this fiery trial it hath pleased God to exercise the faith and virtues, and, as we may charitably hope, to correct the failings and vices of his poor servants. His mercy may now, in due time, be opening a way for them to escape. And from the prosperous beginning of this great work, what comfortable presages may we not, in all humility, form to ourselves of still further successes?

We have a prince on the throne exactly qualified for the execution of this noble enterprize; of the clearest courage and magnanimity, and a wisdom tried and perfected in that best school, of Adversity; of dispositions the most enlarged to the service of mankind; and even quickened by his own personal resentment of former injuries to retaliate against their common oppressor.

Nor can we doubt of the concurrence of his faithful subjects, who, with one voice, have demanded the commencement of this war; and whose late deliverance, from like circumstances of distress, may be expected to animate their zeal in the support of it.

And oh! that I might see the day, when our deliverer shall become, what a bold usurper nobly

figured to himself in the middle of this century *, the soul and conductor of the protestant cause through all *Europe*! and, that as *Rome* hath hitherto been the centre of slavish impositions and anti-christian politics, the court of *England* may henceforth be the constant refuge and asylum of fainting liberty and religion!

But to turn from these flattering views, my good friend, to the recital of our late conversation; which I proceed to lay before you with the same exactness and punctuality that I did the former. You will see the reason why I cannot promise you the same entertainment from it.

WE HAD no sooner come together, than Sir J. Maynard began with his usual vivacity. "I have been thinking, my lord, how dexterous a game I have played with you in this inquiry of ours into the *English* government. What was obvious enough in itself, and had indeed been undertaken by many persons, I mean the vindication of our common liberties as founded in the ancient feudal constitution, is the part I assumed to myself in this debate; and have left it to your lordship to reconcile the FACT to the RIGHT; which is not only the most material point of inquiry, but the most difficult; and that which the patrons of li-

* He means CROMWELL, who, it seems, had a design of setting up "a council for the protestant religion, in opposition to the congregation *De propagandâ fide* at Rome." See the bishop's own account in his *Hist.* vol. i. p. 109.

berty have either less meddled with, or have less succeeded in explaining. For to own an unwelcome truth, however specious our claim may be to civil liberty, the administration of government from the time of *Henry VII's* accession to the crown, that is, for two entire centuries, has very little agreed to this system. The regal power, throughout this period, has been uniformly exercised in so high and arbitrary a manner, that we can hardly believe there could be any certain foundation for the people's claim to a limited monarchy. Add to this, that the language of parliaments, the decrees of lawyers, and the doctrines of divines, have generally run in favour of the highest exertions of prerogative. So that I cannot but be in some pain for the success of your undertaking, and am at a loss to conjecture in what way your lordship will go about to extricate yourself from these difficulties.

Bp. BURNET.

I understand, Sir *John*, that your intention in setting forth the difficulties of this attempt is only, in your polite way, to enhance the merit of it. I must not however assume too much to myself. The way is clear and easy before me. You have conducted us very agreeably through the rough and thorny part of our journey. You have opened the genius of our ancient constitution. You have explained the principles on which it was raised. All that remains for me is only to solve

doubts, and rectify appearances ; a matter of no great difficulty, when, instead of groping in the dark, we are now got into open day-light, and are treading in the paths of known and authentic history.

Mr. SOMERS.

And yet, my lord, I shall very readily acknowledge, with my lord commissioner, the importance of the service. For, unless appearances be strangely deceitful indeed, there is but too great reason to conclude, from the recent parts of our history, either that there never was a rightful claim in the people to civil liberty, or that they, as well as their princes, had lost all sense of it. I doubt the most your lordship can make appear, is, that as our kings, from the coming of the *Tudor* line, had usurped on the ancient privileges of the subject, so the subject, at length, in our days, has, in its turn, usurped on the undisputed and long acknowledged prerogative of the sovereign. In short, I doubt there is no forming a connected system on these subjects ; but that in our country, as well as in others, liberty and prerogative have prevailed and taken the ascendant at different times, according as either was checked or favoured by contingent circumstances.

Bp. BURNET.

Still Mr. *Somers*, I see, is on the desponding side : and with better reason than before, since, if the difficulty be half so great, as is pretended,
this

this change of the speaker is little favourable to the removal of it. However I do not despair, whether these surmises of difficulty be real or dissembled, to clear up the whole matter to both your satisfactions. The stress of it lies here : That, whereas a mixed and limited government is supposed to have been the antient constitution in this country, the appearances, in fact, for a couple of centuries, have been so repugnant to this notion, that either the supposition must be given up as too hastily formed, or sufficient reasons must be assigned for these contradictory appearances. I embrace the latter part of this alternative without hesitation or reserve ; and pretend to lay before you such unanswerable arguments for the cause I have undertaken, as, in better hands, might amount to a perfect vindication of ENGLISH LIBERTY.

I take my rise from the period which my lord commissioner has prescribed to me ; that is, from the accession of the Tudor family.

We have henceforth indeed a succession of high despotic princes, who were politic and daring enough to improve every advantage against the people's liberties. And their peculiar characters were well suited to the places in which we find them. *Henry VII.* was wise and provident ; jealous of his authority, as well as title ; and fruitful in expedients to secure both. His son and successor, who had a spirit of the largest
size,

fize, and, as one says*, *feared nothing but the falling of the heavens*, was admirably formed to sustain and establish that power, which the other had assumed. And after two short reigns, which afforded the people no opportunity of recovering their lost ground, the crown settled on the head of a princess, who, with the united qualifications of her father and grandfather, surpassed them both in the arts of a winning and gracious popularity. And thus, in the compass of a century, the prerogative was now wound up to a height, that was very flattering to the views and inclinations of the *Stuart* family.

It may be further observed, that the condition of the times was such as wonderfully conspired with the designs and dispositions of these princes.

A long and bloody war, that had well nigh exhausted the strength and vitals of this country, was, at length, composed by the fortunate successes of *Bosworth field*. All men were desirous to breathe a little from the rage of civil wars. And the enormous tyranny of the prince, whose death had made way for the exaltation of the earl of *Richmond*, was a sort of foil to the new government, and made the rigours of it appear but moderate when set against the cruelties of the preceding reign.

* NAT. BACON, in his *Disc. Partii.* p. 125. *Lond.* 1739.

The great change that followed in the deliverance of the nation from papal tyranny, and the suppression of religious houses, was a new pretence for the extension of the royal prerogative; and the people submitted to it with pleasure, as they saw no other way to support and accomplish that important enterprize.

And, lastly, the regal power, which had gained so immensely by the rejection of the papal dominion, was carried still higher by the great work of reformation; which, being conducted by a wise and able princess, was easily improved, on every occasion, to the advantage of the crown.

And thus, whether we consider the characters of the persons, or the circumstances of the times, every thing concurred to exalt the princes of the house of *Tudor* to a height of power and prerogative, which had hitherto been unknown in *England*, and became, in the end, so dangerous to the constitution itself.

But you expect me, I suppose, to point to the very examples of usurpation, I have in view, and the means by which it took effect in the hands of these and the succeeding princes.

Sir J. MAYNARD.

We do, indeed, expect that from your lordship. For otherwise it will be thought that what
you

you treat as an usurpation, was but the genuine exercise of the regal authority; only favoured by fortunate conjunctures, and, as you say, by great ability in the princes themselves.

Mr. SOMERS.

Perhaps still more will be expected. For it may not be enough to tell us, what usurpations there were, or even by what means they became successful. It should further appear, methinks, that these usurpations, though they suspended the exercise of the people's liberties, did not destroy them; did not at least infringe on the constitution from which those liberties were derived.

Bp. BURNET.

All this will naturally come in our way as we go along. And, since you will have me usurp the chair on this occasion, and, like the princes I am speaking of, take to myself an authority to which I have no right, let me presume a little on my new dignity; and, in what follows, discourse to you, as our manner is, without interruption or reply.

Sir J. MAYNARD.

This, it must be owned, is carrying the prerogative of the chair to its utmost height. But, if we submit to it in other places, is it reasonable you should require us to do so here? Besides, your lordship forgets that I am too old to be a patient hearer. And Mr. *Somers* too —

Mr.

Mr. SOMERS.

I can engage, in this instance, for passive obedience. And my lord, perhaps, does not insist on the full extent of his prerogative. It is fit, however, we attend with reverence, while such an advocate is pleading in such a cause.

Bp. BURNET.

I was saying that all your demands would be satisfied, as I went along in this discourse. It is true, an attentive reader of our history, who considers what is said of the mixed frame of our government, and the struggles that were occasioned by it, is surprised to find that these contentions at once subsided on the accession of the house of *Tudor*; and that the tenour of the government thenceforth for many successions is as calm, and the popular influence as small, as in the most absolute and despotic forms. This appearance tempts him to conclude that the crown had at length redeemed itself from a forced, unconstitutional servitude; and that, far from usurping on the people, it only returned to the exercise of its old and acknowledged rights. For otherwise it will be said, how could the people at once become so insensible, and their representatives in parliament so tame, as to bear with the most imperious of their princes without reluctance; they, who had resisted much smaller matters from the gentlest and the best?

But

But those, who talk in this strain, have not considered, that there were some circumstances in the state of things, from the time we are speaking of, that DISABLED the nation from insisting, and many more that INDISPOSED them to insist on their antient and undoubted rights.

I took notice, that the ruinous contentions of the two houses of *York* and *Lancaster*, from which the nation was at last delivered by the accession of *Henry VII*, disposed all men to submit with satisfaction to the new government. Such a conjuncture was favourable, of itself, to the increase of the regal power. But the truth is, there was little danger of any successful opposition to the crown, if the nation had been ever so ill inclined towards it. The great lords, or barons, were, in former days, both by the feudal constitution, and by the vast property they had in their hands, the proper and only check on the sovereign. These had been either cut off, or so far weakened at least by the preceding civil wars, that the danger seemed entirely over from that quarter. The politic king was aware of his advantage, and improved it to admiration. One may even affirm, that this was the sole object of his government.

For the greater security, and majesty of his person, he began with the institution of his LIFE-GUARD. And having thus set out with enlarging

larging his own train, his next care was to diminish that of his nobles. Hence the law, or rather laws (for as lord *Bacon* observes, there was scarcely a parliament through his whole reign which passed without an act to that purpose) against RETAINERS. And with how jealous a severity he put those laws into execution, is sufficiently known from his treatment of one of his principal friends and servants, the earl of *Oxford* *.

It was also with a view to this depression of the nobility, that the court of STAR-CHAMBER was considered so much, and confirmed by act of parliament in his reign: "That which was principally aimed at by it being, as his historian frankly owns, FORCE, and the two chief supports of Force, COMBINATION OF MULTITUDES, and maintenance or HEADSHIP OF GREAT PERSONS."

To put them still lower in the public estimation, he affected to fill the great offices with churchmen only. And it was, perhaps, as much to awe the nation by the terror of his prerogative as to fill his coffers, that he executed the penal laws with so merciless a rigour on the very greatest of his subjects.

Still further, to prevent the possibility of a return, in any future period, of the patrician power, this politic prince provided with great care for

* The story is told by lord *Bacon* in his history of this prince.
the

the encouragement of trade, and the distribution of property. Both which ends were effected at once by that famous act, which was made to secure and facilitate the alienation of estates by fine and proclamation.

All these measures, we see, were evidently taken by the king to diminish the credit and suppress the influence of his nobles; and of consequence, as he thought, to exalt the power of the crown above controul, if not in his own, yet in succeeding ages. And his policy had this effect for some time; though in the end it proved, besides his expectation, to advance another and more formidable power, at that time little suspected or even thought of, the POWER OF THE PEOPLE*.

The truth is, *Henry's* policy was every way much assisted by the genius of the time. Trade was getting up: and lollardism had secretly made its way into the hearts of the people. And, tho' *liberty* was in the end to reap the benefit of each, *prerogative* was the immediate gainer. Commerce in proportion to its growth, brought on the decline of the feudal, that is, aristocratic power of the barons: and the authority of the church, that other check on the sovereign, was

* He did not consider that maxim of the lord *Bacon*, "Depression of the nobility may make a king more absolute, but less safe." *Works*, vol. iii. p. 296.

gradually

gradually weakened by the prevailing spirit of reformation.

Under these circumstances, *Henry* found it no difficulty to depress his great lords; and he did it so effectually, that his son had little else left him to do, but to keep them down in that weak and disabled state, to which his father had reduced them. 'Tis true, both he and his successors went further. They never thought themselves secure enough from the resistance of their old enemies, the baron *; and so continued, by every method of artifice and rapine, to sink them much lower than even the safety of their own state required. But the effects of this management did not appear till long afterwards. For the present, the crown received a manifest advantage by this conduct.

There was, besides, another circumstance of great moment attending the government of the younger *Henry*. He was the first heir of the white and red roses: so that there was now an end of all dispute and disaffection in the people. And they had so long and so violently contended about the title to the crown, that when that mighty point was once settled, they did not readily apprehend that any other consideration de-

* And yet lord *Bacon* tells us, that when *Henry VIII* came to the crown, "There was no such thing as any great and mighty subject, who might any way eclipse or overshadow the imperial power." *Works*, vol. iii. p. 508.

served, or could justify resistance to their sovereign.

With these advantages of situation *Henry VIII*, brought with him to the throne a spirit of that firm and steady temper as was exactly fitted to break the edge of any rising opposition. Besides the confidence of youth, he was of a nature so elate and imperious, so resolved and fearless *, that no resistance could succeed, hardly any thought of it could be entertained against him. The commons, who had hitherto been unused to treat with their kings but by the mediation of the great lords, being now pushed into the presence, were half discountenanced in the eye of majesty; and durst scarcely look up to the throne, much less dispute the prerogatives with which so awful a prince was thought to be invested.

And when the glaring abuse of his power, as in the exaltation of that great instrument of his tyranny, *WOLSEY*, seemed afterwards to provoke the people to some more vigorous resolutions, a singular event happened which not only preserved his greatness, but brought a further increase to it. This was the famous rupture with the court of *Rome*: in consequence of which the yoke of papal usurpations, that yoke under which our kings had groaned for so many ages, was in

* "A man, as Mr. *Bacon* characterises him, underneath many passions, but above fear." *Disc. Part ii. p. 120.*

a moment broken off, and the crown restored to its full and perfect independency.

Nor was this all. The throne did not only stand by itself, as having no longer a dependence on the papal chair. It rose still higher, and was, in effect, erected upon it. For the ecclesiastical jurisdiction was not annihilated, but transferred; and all the powers of the *Roman* pontif now centered in the king's person. Henceforth then we are to regard him in a more awful point of view; as armed with both swords at once; and as NAT. BACON expresses it in his way, as a strange kind of monster, "A king with a pope in his belly *."

The remainder of his reign shews that he was politic enough to make the best use of what his passions had brought on, and thus far accomplished. For though the nation wished, and, without doubt, hoped to go much further, the king's quarrel was rather with the court, than church of *Rome*. And the high authority in spirituals, which he had gained, enabled him to hold all men, who either feared or desired a further reformation, in the most entire subjection.

In the mean time, the nation rejoiced with great reason at its deliverance from a foreign tyranny: and the lavish distribution of that wealth which flowed into the king's coffers from

* Disc. Part ii. p. 125.

the suppressed monasteries, procured a ready submission, from the great and powerful to the king's domestic tyranny.

In a word, every thing contributed to the advancement of the regal power ; and, in that, to the completion of the great designs of providence. The amazing revolution, which had just happened, was, at all events, to be supported : and thus, partly by fear, and partly by interest, the parliament went along with the king in all his projects ; and, beyond the example of former times, was constantly obsequious to him even in the most capricious and inconsistent measures of his government.

And thus matters, in a good degree, continued till the accession of queen *Elizabeth*. It is true, the weak administration of a minor king, and a disputed title at his death, occasioned some disorders. But the majesty of the crown itself was little impaired by these bustles ; and it even acquired fresh glory on the head of our renowned protestant princess.

For that astonishing work of reformation, so happily entered upon by *Henry*, and carried on by his son, was, after a short interruption (which only served to prove and animate the zeal of good men) brought at length by her to its final establishment. The intolerable abuses and shameless corruptions of popery were now so
notorious

notorious to all the world, and the spirit of reformation, which had been secretly working since the days of *Wickliff*, had now spread itself so generally through the nation, that nothing but an entire renunciation of the doctrine and discipline of the church of *Rome* could be expected. And by the happiest providence the queen was as much obliged by the interest of her government and the security of her title, as by her own unshaken principles, to concur with the dispositions of her subjects.

Thus, in the end, protestantism prevailed, and obtained a legal and fixed settlement. But to maintain it, when made, against the combined powers that threatened its destruction, the crown, on which so much depended, was to be held up in all its splendor to the eyes of our own and foreign nations. Hence the height of prerogative in *Elizabeth's* days, the submission of parliaments, and, I may almost say, the prostration of the people.

And when this magnanimous princess, as well by her vast spirit and personal virtues, as the constant successes of her long reign had derived the highest dignity and authority on the *English* sceptre, it passed into the hands of the elder *James*; who brought something more with him, than a good will, the accession of a great kingdom and the opinion of deep wisdom, to enable him to wield it.

What followed in his and the succeeding reigns, I need not be at the pains to recount to you. These things are too recent for me to dwell upon; and you, my lord-commissioner, do not only remember them perfectly, but have yourself acted a great part in most of them. Allow me only to say, that from this brief history of the regal authority, and the means by which it arrived at so unusual a greatness, it is no wonder that the *Stuart* family were somewhat dazzled by the height to which they were raised, and that more than half a century was required to correct, if it ever did correct, the high but false notions they had entertained of the imperial dignity.

Sir J. MAYNARD.

If you permit me, at last, to break in at the opening which this conclusion of your discourse seems to give me, I would say, That, on your principles, the house of *Stuart* had great reason for the high notions you ascribe to them. For what other conclusion could they make but that a power, which had domineered for so long a time, and that by the full allowance of parliament and people, was, both in fact and right, absolute and uncontrollable?

Bp. BURNET.

It is certain, the *Stuart* family did draw that conclusion. But a great deal too hastily; as may appear

appear from your own observation, that the exercise of this extraordinary power was committed, or more properly indulged to them by the people. This is so strictly true, that from the first to the last of the *Tudor* line, imperious and despotic as they were, of their own nature, no stretch of power was ventured upon by any of them, but under the countenance and protection of an act of parliament. Hence it was that the *STAR-CHAMBER*, though the jurisdiction of this court had the authority of the common law, was confirmed by statute ; that the proceedings of *EMPSON* and *DUDLEY* had the sanction of parliament ; that *Henry VIII's* supremacy, and all acts of power dependent upon it, had the same foundation : in a word, that every thing, which wore the face of an absolute authority in the king, was not in virtue of any supposed inherent prerogative in the crown, but the special grant of the subject. No doubt, this compliance, and particularly if we consider the lengths to which it was carried, may be brought to prove the obsequious and even abject dispositions of the times ; though we allow a great deal, as I think we should, to prudence and good policy. But then the parliaments, by taking care to make every addition to the crown their own proper act, left their kings no pretence to consider themselves as absolute and independent.

Mr. SOMERS.

I doubt, considering the slavish disposition of the times, that, if the people still possessed a shew

of liberty, this advantage was owing to the pure condescension of the crown, and not to their own policy. A king that could obtain of his parliament to have his proclamations pass for laws *, might have ventured on this step without the concurrence of parliament.

Bp. BURNET.

I acknowledge the act you glance at was of an extraordinary kind ; and might seem, by implication at least, to deliver up the entire legislative authority into the hands of the sovereign. But there is a wide difference between the crown's usurping this strange power, and the parliament's bestowing it. The case was (and nothing could be more fortunate for the nation) that at the time when the people were least able to control their prince, their prince's affairs constrained him to court his people. For the rejection of the papal power and the reformation of religion were things of that high nature and so full of hazard, that no expedient was to be overlooked, which tended to make the execution of these projects safe or easy. Hence it was that no steps were taken by the crown but with the consent and approbation of the two houses. And if these were compelled by the circumstances of their situation to favour their prince's interest or caprice by absurd and inconsistent compliances, this benefit at least they drew to themselves, that

* This terrible act is 31 *Hen. VIII.* c. 8. It was repealed in 1 *Edw. VI.* c. 12.

their

their power by that means would appear the greater and more unquestionable. For what indeed could display the omnipotency of parliaments more than their being called in to make and unmake the measures of government, and give a sanction, as it were, to contradictions? Of which there cannot be a stronger instance than the changes they made from time to time, as *Henry VIII's* passions swayed him, in the rule of succession.

Thus we see that through the entire reigns of the house of *Tudor*, that is, the most despotic and arbitrary of our princes, the forms of liberty were still kept up, and the constitution maintained, even amidst the advantages of all sorts which offered for the destruction of both. The parliament indeed was obsequious, was servile, was directed, if you will; but every proceeding was authorised and confirmed by parliament. The king in the mean time found himself at his ease; perhaps believed himself absolute, and considered his application to parliaments as an act of mere grace and popular condescension. At least after so long experience of their submission, the elder *James* certainly thought himself at liberty to entertain this belief of them. But he was the first of our princes that durst avow this belief plainly and openly. He was stimulated, no doubt, to this usurpation of power in *England* by the memory of his former subjection, or servitude rather,

rather, to the imperious church of *Scotland*. But this was not all. Succeeding to so fair a patrimony as that of a mighty kingdom, where little or no opposition had been made for some reigns to the will of the sovereign; to a kingdom too, securely settled in the possession of its favoured religion, which had occasioned all the dangers, and produced all the condescension of the preceding princes; bringing, besides, with him to the succession, an undisputed title and the additional splendor of another crown; all these advantages meeting in his person at that point of time, he ventured to give way to his natural love of dominion, and told the people to their face that the pretended rights of their parliaments were but the free gifts and graces of their kings: that every high point of government, that is, every point which he chose to call by that name, was wrapt up in the awful mystery of his prerogative: and, in a word, that “It was sedition for them to dispute what a king may do in the height of his power *”.

Such, you know, was the language, the public language to his parliaments, of JAMES THE FIRST. But these pretences, which might have been suffered perhaps, or could not have been opposed under the *Tudor* line, were unluckily out of season, and would not pass on a people who

* Speech to the lords and commons at *Whitehall*, An. 1609.
knew

knew their own rights, had saved to themselves the exercise of them, and came now, at length, to feel and understand, their importance. For, as I before observed, the principal cause that had lifted the crown so high, was the depressions of the barons. The great property which had made them so formidable, was dispersed into other hands. The nobility were therefore too low to give any umbrage to the crown. But the commons were rising apace, and, in a century, had grown to that height, that, on the accession of the *Scotch* family, the point of time when the new king dreamed of nothing but absolute sovereignty*, they were now in a condition to assert the public liberty, and, as the event shewed but too soon, to snatch the sceptre itself out of their king's hands.

However, in that interval of the dormant power of the commons it was, that the prerogative made the largest shoots, till in the end it threatened to overshadow law and liberty. And, though the general reason is to be sought in the humiliation of the church, the low estate of the barons, and the unexerted, because as yet unfelt, greatness of the commons, the solution will be defective if we stop here. For the regal authority, so limited by the ancient constitution,

* Somebody said well of this king — "That he spake peace abroad, and sung lullaby at home: yet, like a dead calm in a hot spring, treasured up in store sad distempers against a back-winter."

and by the continued use of parliaments, could never, in this short space, have advanced itself beyond all bounds, if other reasons had not cooperated with the state of the people; if some more powerful and special causes had not conspired to throw round the person of the sovereign those rays of sacred opinion, which are the real strength as well as gilding of a crown.

Of these I have occasionally mentioned several; such as "the personal character and virtues of the princes themselves; the high adventurous designs in which they were engaged; the interest, the people found or promised to themselves in supporting their power; the constant successes of their administration; and the unremitting spirit and vigour with which it was carried on and maintained." All these considerations could not but dispose the people to look up with reverence to a crown, which presented nothing to their view but what was fitted to take their admiration, or imprint esteem. Yet all these had failed of procuring to majesty that profound submission which was paid to it, or of elevating the prince to that high conceit of independency which so thoroughly possessed the imagination of king *James*, if an event of a very singular nature, and big with important consequences, had not given the proper occasion to both.

Sir

Sir J. MAYNARD.

I understand you to mean the overthrow of the papal dominion, which had so long eclipsed the majesty of our kings; and held them in a state of vassalage, not only to the triple crown, but, which was more disgraceful, to the mitre of their own subjects.

Bp. BURNET.

Rather understand me to mean, what was indeed the consequence of that event, THE TRANSLATION OF THE POPE'S SUPREMACY TO THE KING. This, as I take it, was the circumstance of all others which most favoured the sudden growth of the imperial power in this nation. And, because I do not remember to have seen it enlarged upon, as it deserves, give me leave to open to you, somewhat copiously, the nature of this newly acquired headship, and the numerous advantages which the prerogative received from it.

THE PAPAL SUPREMACY, as it had been claimed and exercised in this kingdom, was a power of the highest nature. It controlled every rank and order in the state, and, in effect, laid the prince and people together at the mercy of the *Roman* pontif. There is no need to recount the several branches of this usurped authority.

thority. It is enough to say, that it was transcendant in all respects that could in any sense be taken to concern religion. And who, that has looked into the papal story, needs be told that, by a latitude of interpretation, every thing was construed to be a religious concern, by which the pope's power or interest could be affected?

Under the acknowledgment then of this supereminent dominion, no steps could possibly be taken towards the reformation of religion, or even the assertion of the just rights and privileges of the crown. But the people were grown to have as great a zeal for the former of these considerations, as the king for the latter. And in this juncture it was that *Henry*, in a sudden heat, threw off the supremacy; which the parliament, to prevent its return to the pope, very readily invested in the king.

There was something so daring, and, according to the prejudices of that time, so presumptuous and even prophane in this attempt to transfer the spiritual headship to a secular power, that the pope himself little apprehended, and nothing but the king's dauntless temper could have assured, the success of it. The repugnancy which the parliament themselves found in their own notions betwixt the exercise of the spiritual and temporal power, was the reason, perhaps,
for

for inserting in the act of supremacy those qualifying clauses, we find in it*.

Mr. SOMERS.

It is possible, as you say, that the parliament might be at a loss to adjust in their own minds the precise bounds of the spiritual jurisdiction, as united to the civil in the king's person. Yet, in virtue of these clauses, the regal supremacy was, in fact, restrained and limited by act of parliament: and the import of them was clearly to assert the independency of the crown on any foreign judicature, and not to confer it in the extent in which it was claimed and exercised by the see of *Rome*.

Bp. BURNET.

It is true, that no more was expressed, or, perhaps, intended in this act. But the question is, how the matter was understood by the people at large, and in particular by the king himself and his flatterers. Now it seems to me that this transfer of the supremacy would be taken for a solemn acknowledgment, not only of the ancient encroachments and usurpations of the papacy, but of the king's right to succeed to all the powers of it. And I conclude this from the nature of the thing itself, from the current notions of the Time, and from the sequel of the king's government.

* Meaning such clauses as these — *As by any spiritual or ecclesiastical power or authority may LAWFULLY be exercised, and, provided that nothing be done contrary to the LAWS of this realm.*

If

If we attend to the nature of the complaints which the nation was perpetually making, in the days of popery, of the *Roman* usurpations, we shall find that they did not so much respect these usurpations themselves, as the person, claiming and enjoying them. The grievance was, that appeals should be made to *Rome*, that provisions should come from thence; in a word, that all causes should be carried to a foreign tribunal, and that such powers should be exercised over the subjects of this realm by a foreign jurisdiction. The complaint was, that the pope exercised these powers, and not that the powers themselves were exercised. So on the abolition of this supremacy, the act that placed it in the person of the king, would naturally be taken to transfer upon him all the privileges and pre-eminencies, which had formerly belonged to it. And thus, though the act was so properly drawn as to make a difference in the two cases, yet the people at large, and much more the king himself, would infer from the concession, "That the pope had usurped his powers on the crown," that therefore the crown had now a right to those powers. And the circumstance of this translation's passing by act of parliament, does not alter the matter much, with regard to the king's notion of it. For in that time of danger, and for the greater security of his new power, he would chuse to have that ratified and confirmed by statute which

he firmly believed inherent in his person and dignity.

Then, to see how far the current opinions of that time were favourable to the extension of the regal authority, on this alliance with the papal, we are to reflect, that, however odious the administration of the pope's supremacy was become, most men had very high notions of the plenitude of his power, and the sacredness of his person. "*Christ's* vicar upon earth" was an awful title, and had sunk deep into the astonished minds of the people. And though *Henry's* pretensions went no further than to assume that vicarial authority within his own kingdom, yet this limitation would not hinder them from conceiving of him, much in the same way as of the pope himself. They, perhaps, had seen no difference, but for his want of the pope's *sacerdotal* capacity. Yet even this defect was, in some measure*, made up to him by his *regal*. So that between the majesty of the kingly character, and the consecration of his person by this mysterious endowment of the spiritual, it is easy to see how well prepared the minds of men were to allow him the exercise of any authority to which he pretended.

* The bishop does well to say—*in some measure*. For, according to popish prejudices, the sacerdotal character is vastly above the regal. See POLE's address to *Henry VIII*, l. i. where this high point is discussed at large.

And to what degree this spiritual character of head of the church operated in the minds of the people, we may understand from the language of men in still later times, and even from the articles of our church, where the prerogative of the crown is said to be that which GODLY KINGS have always exercised : intimating that this plenitude of power was inherent in the king, on account of that *spiritual and religious* character, with which, as head of the church, he was necessarily invested. The allusion, as gross as we may now think it, was but the same which blinded the eyes of the greatest and wisest people in the old world. For was it not just in the same manner, that by the policy of the *Roman* emperors in assuming the office of pontifex maximus, that is, incorporating the religious with their civil character, their authority became not only the more awful, but their *persons* sacred ?

We see then, as I said, how conveniently the minds of men were prepared to acquiesce in *Henry's* usurped prerogative. And it is well known that this prince was not of a temper to balk their expectations. The sequel of his reign shews that he took himself to be invested with the whole ecclesiastical power, legislative as well as executive ; nay, that he was willing to extend his acknowledged right of supremacy even to the ancient papal infallibility ; as appears from his sovereign decisions

decisions in all matters of faith and doctrine. It is true, the parliament was ready enough to go before or at least to follow the head of the church in all these decisions. But the reason is obvious. And I need not repeat to you in what light the king regarded their compliance with him.

Mr. SOMERS.

It is very likely, for these reasons, that the king would draw to himself much authority and reverence, at least, from his new title of supremacy. But it does not, I think, appear that the supremacy had all that effect on the people's rights and the ancient constitution, which your lordship's argument requires you to ascribe to it.

Bp. BURNET.

I brought these general considerations only to shew the reverend opinion which of course would be entertained of this mixt person, THE SUPREME HEAD OF THE CHURCH, compounded of a king and a pope ; and how natural a foundation it was for the superstructure of despotic power in all its branches. But I now hasten to the particulars which demonstrate that this use was actually made of that title.

And first let me observe, that it gave birth to that great and formidable court of the HIGH-COMMISSION ; which brought so mighty an accession of power to the crown, that, as experience

afterwards shewed, no security could be had for the people's liberties, till it was totally abolished. The necessity of the times was a good plea for the first institution of so dangerous a tribunal. The restless endeavours of papists and puritans against the ecclesiastical establishment gave a colour for the continuance of it. But as all matters that regarded religion or conscience, were subjected to it's sole cognizance and inspection, it was presently seen how wide an entrance it gave to the most tyrannical usurpations.

It was further natural that the king's power in civil causes should keep pace with his authority in spiritual. And fortunately for the advancement of his prerogative there was already erected within the kingdom another court of the like dangerous nature, of ancient date, and venerable estimation, under the name of the court of STAR-CHAMBER; which brought every thing under the direction of the crown that could not so properly be determined in the high-commission. These were the two arms of absolute dominion; which, at different times, and under different pretences, were stretched forth to the oppression of every man that presumed to oppose himself to the royal will or pleasure. The star-chamber had been kept, in former times, within some tolerable bounds; but the high and arbitrary proceedings of the other court, which were found convenient for the further purpose of reformation,
and

and were therefore constantly exercised and as constantly connived at by the parliament, gave an easy pretence for advancing the star-chamber's jurisdiction so far, that in the end its tyranny was equally intolerable as that of the high-commission.

Thus the king's authority in all cases, spiritual and temporal, was fully established, and in the highest sense of which the words are capable. Our kings themselves so understood it, and when afterwards their parliaments shewed a disposition to interfere in any thing relating either to church or state, they were presently reprimanded and sternly required not to meddle with what concerned their prerogative royal and their high points of government. Instances of this sort were very frequent in *Elizabeth's* reign, when the commons were getting up, and the spirit of liberty began to exert itself in that assembly. The meaning of all this mysterious language was, that the royal pleasure was subject to no controul, but was to be left to take its free course under the sanction of these two supreme courts, to which the cognizance of all great matters was committed.

This, one would think, were sufficient to satisfy the ambition of our kings. But they went further, and still under the wing of their beloved supremacy.

The parliament were not so tame, or the king's grace did not require it of them, to divest

themselves entirely, though it was much checked and restrained, by these courts, of their legislative capacity. But the crown found a way to ease itself of this curb, if at any time it should prove troublesome to it. This was by means of the DISPENSING POWER ; which, in effect, vacated all laws at once, farther than it pleased the king to countenance and allow them. And for so enormous a stretch of power (which being rarely exercised was the less heeded) there was a ready pretence from the papal privileges and pre-eminencies to which the crown had succeeded. For this most invidious of all the claims of prerogative had been indisputable in the church ; and it had been nibbled at by some of our kings, in former times, from the contagious authority of the pope's example, even without the pretence which the supremacy in spirituals now gave for it.

The exercise of this power, in the popes themselves, was thought so monstrous, that MATTHEW PARIS honestly complains of it in his time, as *extinguishing all justice* — EXTINGUIT OMNEM JUSTICIAM *. And on another occasion, I remember, he goes so far, in a spirit of prophecy, almost, as to tell us the ill use that hereafter kings themselves might be tempted to make of it †. His prediction was verified very soon :

* HIST. ANG. p. 694.

† Something to this purpose occurs in p 706.

for *Henry* III learned this lesson of tyranny, and put it in practice. On which occasion one of his upright judges could not help exclaiming, CIVILIS CURIA EXEMPLO ECCLESIASTICÆ CONQUINATUR *. And afterwards, we know, *Henry* VII claimed and exercised this dispensing power in the case of sheriffs, contrary to act of parliament †. It was early indeed in his reign, and when the state of his affairs was thought to give a colour to it.

I mention these things to shew, that, since the pope's example had been so infectious in former times, it would now be followed very resolutely when the translation of the very supremacy, from which it had sprung, seemed to justify it. And we have a remarkable instance in *Elizabeth's* reign by which it may appear that this prerogative was

* The name of this reverend judge was ROGER DE THURKEBY. A cause was trying before him in *Westminster-Hall*, when one of the parties produced the king's letters patents with a *non-obstante* in it. "Quod cum comperisset, says the historian, ab alto ducens suspiria, de prædictæ adjectionis appositione, dixit; Heu, heu, hos ut quid dies expectavimus? Ecce jam civilis curia exemplo ecclesiasticæ conquinatur, et a sulphureo fonte rivulus intoxicatur." p. 784. *Hen.* III.

† The bishop is too concise here, contrary to his usual manner. Many statutes, and especially 23 *Hen.* VI. had forbidden the continuance of any person in the office of sheriff for more than one year. *Henry* VII dispensed with these statutes. And the twelve judges resolved, in 2 *Hen.* VII. that, by a *non-obstante*, a patent for a longer time should be good.— It seems, the good old race of the THURKEBY's was now worn out.

publicly and solemnly avowed. For, upon some scandal taken, by the popish party, upon pretence that the book of consecration of bishops was not established by law, the queen made no scruple to declare by her letters patent, that she had, by her supreme authority, dispensed with all causes or doubts of any imperfection or disability in the persons of the bishops. My learned friend, Dr. *Stillingfleet*, in commenting this case, acknowledges the very truth. "It was customary, says he, in the pope's bulls, to put in such kind of clauses, and therefore she would omit no power in that case to which the pope had pretended *."

And it is in this dispensing spirit that *James I.*, having delivered it for a maxim of state, "That the king is above law," goes on to affirm, in one of his favourite works, that general laws, made publicly in parliament, may, upon known respects to the king, by his authority, be mitigated and SUSPENDED upon causes only known to him †."

We perceive the ground of that claim, which was carried so high by the princes of the house of *Stuart*, and, as we have just seen, brought on the ruin of the last of them. And to how great a degree this prerogative of the dispensing power had, at length, possessed the minds even of the

* See his *Works*, vol. iii. p. 806.

† The bishop quotes this from *The true law of free monarchies* in the king's works, p. 203.

common lawyers (partly from some scattered examples of it in former times, and partly from reasons of expediency in certain junctures, but principally from the inveteracy of this notion of the papal supremacy) we had an alarming proof in HALE's case, when eleven out of the twelve judges declared for it.

Sir J. MAYNARD.

Your lordship has indeed shewn that the poison of the papal supremacy began to work very fatally. If this blessed revolution had not happened, what could have been expected but that the next step would be, to set the crown above all divine as well as human law? And, methinks, after such a judgment in *Westminster Hall*, it could not be surprising if another sett of men had served the king, in the office of the pope's janisaries, and maintained his right of dispensing with the gospel itself*, as well as the statute-book.

Mr. SOMERS.

I must needs think, Sir *Jahn*, you are a little severe, not to say unjust in this insinuation; for which the churchmen of our days have surely given you no reason. And as for the reverend judges, methinks my lord of *Salisbury* might be

* He alludes, I suppose, to the doctrine of the canonists, who say, *Papa dispensare potest de omnibus præceptis VETERIS ET NOVI TESTAMENTI*. See bishop JEWELL's *apology of the church of England, against Harding*, p. 313.

allowed

allowed to expose their determination, at the same time that he so candidly accounts for it.

Bp. BURNET.

I perceive my lord-commissioner, with all his goodness and moderation, is a little apt to surmise the worst of our order. But I will try to reconcile him to it, and it shall be in the way, he most likes, by making a frank confession of our infirmities.

For another source of the regal dominion in later times, and still springing from out of the rock of supremacy (which followed and succoured the court-prerogative, wherever it went, just as the rock of *Moses*, the rabbins say, journeyed with the *Jewish* camp, and refreshed it in all its stations) was the opinion taken up and propagated by churchmen, from the earliest æra of the reformation, concerning the irresistible power of kings, and the PASSIVE OBEDIENCE that is due to it.

Sir J. MAYNARD.

Ay, there it is, I am afraid, that we are principally to look for the origin of the high pretences of our kings to absolute government.

Bp. BURNET.

I shall dissemble no part of the clergy's blame on this occasion; and there is the less need, if I were ever so tender of their reputation, as their induce-

inducements to preach up this doctrine were neither slight in themselves, nor unfriendly to the public interest.

It cannot be doubted that the churchmen especially, both by interest and principle, would be closely connected with the new head of the church. Their former subjection in spirituals to the papal authority would, of itself, create a prejudice in favour of it, as now residing in the king's person. And the disposal of bishopricks and other great preferments being now entirely in the crown, they would, of course, be much addicted to his service.

But these were not the sole, or even principal reasons that induced so wise and so disinterested persons, as our first reformers, to exalt the royal prerogative. They were led into this pernicious practice by the most excusable of all motives, in their situation, an immoderate zeal against popery.

It is true, a very natural prejudice mixed itself with their other reasonings. "The crown had been declared supreme, and to have chief government of all estates of this realm, and in all causes." And, though this declaration was levelled only against the pretensions of every foreign, and particularly the papal power, yet the clergy were given to conceive of it as a general opposition. The reason was, that the people, from whom the
just

just right of supremacy is derived, having, at this juncture, not yet attained the consideration, which the nobles had lost, they forwardly concluded, that if the royal estate were independent of the pope, it was unquestionably so of every other power. They could not, on the sudden, be brought to think so reverently of the poor people, even in their representatives, as to allow that they had any pretension to restrain their sovereign.

Sir J. MAYNARD.

I could swear to the truth of this account. One of the popes, I forget which, is said to have called the deputies of the third estate in *France*, on a certain occasion, NEBULONES EX FÆCE PLEBIS*. And though that might not be the language of churchmen in *England*, at this time, it was not far, perhaps, from expressing their sentiments. It is certain, they soon taught their princes, who put themselves to school to the hierarchy†, to talk in this strain; as appears from many of *Elizabeth's* and *James's* speeches to the commons.

* I find this particular taken notice of in King *James's* works, p. 384.

† One of them, King *James*, profited so well by this discipline, that, as we are told on very competent authority, "He was the most able prince that ever this kingdom had, to JUDGE OF CHURCH-WORK." *Ded. of Bp. Andrew's sermons to Charles I, by the bishops LAUD AND BUCKERIDGE.*

Bp.

Bp. BURNET.

Something of this sort, I grant you, but not in the degree you put it, might have an influence on the political reasonings of the clergy. But their zeal for reformation was what prevailed with them most, and carried them farthest into these notions. It is something curious to see how this happened.

Henry's usurpation of the supremacy, as it was called at *Rome*, appeared so prodigious a crime to all good catholics, that no severities were great enough to inflict upon him for it. Their writers proceeded to strange lengths. Even our cardinal *POLE* so far forgot the greatness of his quality, and the natural mildness of his temper, as to exceed the bounds of decency in his invectives against him. And, when afterwards, in right of this assumed headship, the crown went so far as to reject the authority of the church, as well as court of *Rome*, all the thunders of the Vatican were employed against this invader of the church's prerogative. The pope, in his extreme indignation, threatened to depose *Edward*. He did put this threat in execution against *Elizabeth*. Yet, in spite of religious prejudices, this was esteemed so monstrous a stretch of power, and so odious to all christian princes, that the jesuits thought it expedient, by all means, to soften the appearance of it. One of their contrivances was,

by searching into the origin of civil power, which they brought rightly, though for this wicked purpose, from the people. For they concluded, that, if the regal power could be shewn to have no divine right, but to be of human and even popular institution, the liberty, which the pope took in deposing kings, would be less invidious. Thus the jesuits reasoned on the matter. The argument was pushed with great vigour by HARDING and his brethren in *Elizabeth's* reign, but afterwards with more learning and address by BELLARMINE, MARIANA, and others*.

To combat this dangerous position, so prejudicial to the power of kings, and which was meant to justify all attempts of violence on the lives of heretical princes, the protestant divines went into the other extreme; and to save the person of their sovereign preached up the doctrine of DIVINE RIGHT. *Hooker*, superior to every prejudice, followed the truth. But the rest of our reforming and reformed divines stuck to the other opinion; which, as appears from the HOMILIES, the INSTITUTION OF A CHRISTIAN MAN, and the general stream of writings in those days, became the opinion of the church, and was indeed the received protestant doctrine.

* This notion was started even so early as *Henry's* rejection of the supremacy. Cardinal *Pole* insists strongly on this origin of kingship in his book, *Pro ecclesiasticæ unitatis defensione*, lib. i. p. 74.

And

And thus unhappily arose in the church of *England*, that pernicious system of divine indefeasible right of kings: broached indeed by the clergy, but not from those corrupt and temporising views to which it has been imputed. The authority of those venerable men, from whom it was derived, gave it a firm and lasting hold on the minds of the clergy: and being thought to receive a countenance from the general terms, in which obedience to the civil magistrate is ordained in scripture, it has continued to our days, and may, it is feared, still continue to perplex and mislead the judgments of too many amongst us.

Yet it could hardly have kept its ground against so much light and evidence as has been thrown at different times on this subject*, but for an unlucky circumstance attending the days of reformation. This was the growth of puritanism and the republican spirit; which, in order to justify its attack on the legal constitutional rights of the crown, adopted the very same principles with the jesuited party. And under these circumstances it is not to be thought strange that a principle, however true, which was disgraced by coming through such hands, should be generally condemned and execrated. The

* He means, I suppose, in the writings that were published by political men for twenty years together before the restoration; in which the great question of the origin of civil government was thoroughly canvassed.

crown and mitre had reason to look upon both these sorts of men as their mortal enemies. What wonder then they should unite in reprobating the political tenets on which their common enmity was justified and supported?

This I take to be the true account of what the friends of liberty so often object to us, "That the despotism of our later princes has been owing to the slavish doctrines of the clergy." The charge so far as there is any colour for it, is not denied: and yet I should hope to see it urged against us with less acrimony, if it were once understood on what grounds these doctrines were taken up, and for what purposes they were maintained by the clergy.

Mr. SOMERS.

Besides the candour of this acknowledgment, the part, which our clergy have lately acted, is, methinks, enough to abate and correct those hard sentiments, which, as you say, have been entertained against them.

Sir J. MAYNARD.

This apology seems indeed the best that can be made for them. But when one considers the baleful tendency of those doctrines, which were calculated to enslave the very souls and consciences of men, and, by advancing princes into the rank of Gods, to abet and justify their tyranny,

ny, one cannot help feeling a strong resentment against the teachers of them, however they might themselves be imposed upon by several colourable pretences. Your lordship knows, I might proceed to further and still harder reflections. But I have no pretence to indulge in them at this time, when a bishop is pleading so warmly in the cause of liberty.

Bp. BURNET.

This tenderness to your friends, Sir *John*, is very obliging. But I would willingly engage your candour, in behalf of our order. Let me presume, for such a purpose, to second Mr. *Somers's* observation, "That the *English* clergy have at length attoned in some measure, for former miscarriages."

Sir J. MAYNARD.

By their behaviour in a late critical conjuncture: and yet, to speak my mind frankly, the merit of their services, even on that occasion, is a little equivocal when one reflects how unwilling they seemed to take the alarm, till they were roused, at length, by their own immediate object, the church's danger?

Bp. BURNET.

And can you wonder that what concerned them most, what they best understood, and was their proper and peculiar charge, should engage

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their principal attention? Besides, they went on principle, and with reason too, in supposing that no slight or partial breaches of law were sufficient to authorize resistance to the magistrate*. But when a general attack was made upon it, and the dispensing power was set up in defiance of all law, and to the manifest subversion of the constitution, the clergy were then as forward as any others to signalize themselves in the common cause of liberty.

Sir J. MAYNARD.

Their old favourite doctrine of *non-resistance* was, I doubt, at the bottom of this cautious proceeding. But it was high time for them to lay it aside, when they saw it employed as the ready way for the introduction of that popery, which, as you say, it was its first intention to keep out.

Bp. BURNET.

It certainly was.—But not to pursue this argument any farther, let me return to the main point I had in view, which was “to account for the growth of the regal power from the influence of the transferred supremacy.” There is still another instance, behind, which shews how well our

* The bishop declares his opinion to this purpose very fully in several places of the history of his own times. His and his friend *Tillotson's* representations to the unhappy lord *Russell*, no doubt, turned upon this principle.

princes

princes understood the advantage they had gained, and how dextrously they improved it.

It seems prodigious, at first sight, that when the yoke of *Rome* was thrown off, the new church, erected in opposition to it, should still continue to be governed by the laws of the old. The pretence was, that this was only by way of interim, till a body of ecclesiastical laws could be formed: and to cover this pretence the better, some steps were, in fact, taken towards the execution of such a design. But the meaning of the crown certainly was to uphold its darling supremacy, even on the old footing of the canon laws. This conclusion seems probable, if one considers those canons proceeded from an absolute spiritual monarch, and had a perpetual reference to his dominion; that they were formed upon the very genius, and did acknowledge the authority of the civil laws, the proper issue, as my lord-commissioner has shewn us, of civil despotism. Whoever, I say, considers all this, will be inclined to think that the crown contrived this interim from the use the canon law was of to the extension of the prerogative. Accordingly it is certain, that the succeeding monarchs, *Elizabeth*, *James*, and *Charles*, would never suffer us to have a body of ecclesiastical laws, from a sense of this utility in the old ones; and a consciousness, if ever they should submit a body of new laws to the legislature, the parlia-

ment would form them altogether in the genius of a free church and state *; and perhaps would be for assuming a share in their darling supremacy itself.

With those canon laws, and for the same purpose, as was observed to us, these princes retained a great affection for the interpreters of them, the canon and civil lawyers; till the genius of liberty rising and prevailing, in the end, over all the attempts of civil despotism, both the one and the other fell into gradual desuetude and contempt: and as the canonists were little regarded, so their law is now considered no further than as it is countenanced and supported by the law of *England*.

But to see how convenient the doctrine of the canon law was for the maintenance of an absolute supremacy, it needs only be observed that one of these canons, is, "That it is not lawful for any man to dispute of the pope's power." And to see how exactly our kings were disposed to act upon it, one needs only recollect that immortal apothegm of the elder *James*, already taken notice of, "That it is sedition for the subject to dispute what a king may do in the height of his power."

And as the canon laws are the pope's laws, so we are told on the same supreme authority, that

* The bishop gives the same account of this matter in his *History of the Reformation*. Part i. p. 330.

the *English* laws are the king's. For thus on another occasion his majesty expresses himself.---

"Although a just prince (I believe I repeat his very words) will not take the life of any of his subjects without a clear law: Yet the same laws, whereby he taketh them, are made by himself, or his predecessors; and so the power flows always from himself."---And again, "Although a good king will frame all his actions to be according to the law, yet is he not bound thereto but of his good will, and for good example giving to his subjects *."

Thus decreed that *great school-master of the whole land* (to give his majesty no harder a title than he was pleased to give himself) and it is difficult to say whence his supremacy extracted this golden rule of *free monarchies*, if not from the pope's own code of imperial canons.

Thus it appears what misconceptions arose, and what strange conclusions were drawn from the king's supremacy in spirituals. One might proceed further in contemplation of this subject, but

* TRUE LAW OF FREE MONARCHIES, p. 203.—What is said of the king's being the *great schoolmaster of the land* is taken from the same discourse, p. 204. His words are these—"The people of a borough cannot displace their provost---yea, even the poor school-master cannot be displaced by his scholars---How much less is it lawful upon any pretext to control or displace the great provost and GREAT SCHOOL-MASTER OF THE WHOLE LAND!"

I have wearied you too much already. You will see from these several particulars how it came to pass that the REFORMATION, which was founded on the principles of liberty and supported by them, was yet for some time the cause of strengthening the power of the crown. For though the exercise of private judgment, which was essential to protestantism, could not but tend to produce right notions of civil liberty, as well as of religious faith and discipline, and so in the end was fated to bring about a just form of free government (as after some struggles and commotions, we see it has happened) yet the translation of supremacy from the pope to the civil magistrate brought with it a mighty accession of authority which had very sensible effects for several reigns afterwards. The mysterious sacredness and almost divinity which had lodged in the pope's person, was now inshrined in the king's; and it is not wonderful that the people should find their imaginations strongly affected by this notion. And with this general preparation, it followed very naturally that, in the several ways here recounted, the crown should be disposed and enabled to extend its prerogative, till another change in the government was required to limit and circumscribe it, almost as great as that of the reformation.

Mr. SOMERS.

I have listened with much pleasure to this deduction which your lordship has made from that
important

important circumstance of the crown's supremacy in spirituals. I think it throws great light on the subject under consideration, and accounts in a clear manner for that appearance of despotism which the *English* government has worn from the times of reformation. I have only one difficulty remaining with me: but it is such an one as seems to bear hard on the great hypothesis itself, so learnedly maintained by my lord commissioner in our late conversation, of the original free constitution of the *English* government. For allowing all you say to be true, does not the very transfer of the pope's supremacy to the king, considered in itself, demonstrate that we had then, at least, no constitution at all, to be invaded by the high claims of that prerogative? I explain this question by asking another. Upon the true principles* of the nature of the two societies, spiritual and temporal (at least as I conceive of them) allied together, does not it follow that the supremacy of the church should devolve upon the supreme civil power; which with us, according to the present supposition, is in the three estates of the legislature? But this devolution, it seems, was

* It were to be wished that Mr. Somers had explained himself further on these *true principles of ALLIANCE BETWIXT CHURCH AND STATE*. One should then have seen what to think of a late system, under that name, which the dissenters to a man, and some moderate divines of the established church, have taken offence at. It is to be feared the author is one of those men, that wish to see things continue as they are; and not, as the saints yearn, to see the rubbish of human ordinances taken out of the way, and the godly work of reformation pushed on to GOSPEL-PERFECTION.

on the king alone; a public acknowledgment, as I take it, that the constitution of the government was at that time conceived to be, in the highest sense of the word, absolutely MONARCHICAL.

Bp. BURNET.

I was not, I confess, aware of this objection to our theory, which is very specious. Yet it may be sufficient, as I suppose, to reply to it, that the work of reformation was carried on and established by the whole legislature; and that the supremacy, in particular, though it of right belonged to the three estates, was by free consent surrendered and given up into the hands of the king. It is certain this power, though talked of as the ancient right of the crown, was solemnly invested in it by act of parliament!

Sir J. MAYNARD.

There may be something in this: Yet your lordship, I think, does not carry the matter quite far enough; and, with your leave, I will presume to give another, and perhaps the truer answer to Mr. *Somers's* difficulty. The subject is a little nice, but I have not those scruples which may reasonably be conceived to restrain your lordship from enlarging upon it.

I reply then directly, and without softening matters, that this irregular transfer of the supremacy

macy is no proof, that there was not then a constitution, with a legitimate power in it, to which the supremacy belonged. And my reason, without offence to my lord of *Salisbury*, is this. When the papal authority was abolished, and the question came into parliament, who now became the head of the church, the search after him was not carried where it should have been, into the constitution of the kingdom, but, as it was a matter of religion, they mistook that, which was only an affair of church-discipline, to be a doctrine of theology; and so searched, for a solution of the question, in the New Testament, and Ecclesiastical History. In the first, obedience is pressed to the person of *Cæsar*, because an absolute monarchy was the only government in being; and for the same reason, when afterwards the empire became christian, the supremacy was assumed by the emperor; as it would have been by the consul and senate, had the republic existed. Hence our reformers, going altogether by ecclesiastical example, and hoping to preserve their credit against the reproaches of *Rome*, which, as your lordship knows, was perpetually charging them with novelties and innovations, recurred to early antiquity for that rule.

This last, I suppose, was a consideration of convenience; the other, of conscience. And thus by force of one text, ill-understood, *render unto Cæsar the things which are Cæsar's*, they put the spiritual sword

sword into the king's hands ; just as by another, *he beareth not the sword in vain* (for I know of no better authority) the temporal sword had also been committed to his care.

Mr. SOMERS.

This last intimation, I am apprehensive, would bear a further debate *. But I acquiesce in your answer to my particular question ; I mean, unless the bishop of *Salisbury* warns me against submitting to so heretical a doctor.

Bp. BURNET.

My lord commissioner chuses to let slip no opportunity of exposing what he takes to be an error in ecclesiastical management. Either way, however, I am not displeased to find that his main thesis keeps its ground ; and that, even according to his own account of the matter, the nation, when it gave up the supremacy to the king, was in possession of a free and legal constitution.

On the whole, you give me leave then to presume that the considerations, now offered to you, afford a reasonable account of that despotic form under which the *English* government has appeared from the union of the two roses down to the sub-

* Mr. *Somers* had reason for saying this ; for the intimation was no less than that the power of the *militia* was not in the king. It is certain, Sir *J. Maynard* was of this opinion when the matter was debated in parliament in 1642. See *Whitlocke*, p. 56.

version of the constitution in *Charles the First's* time.

Other causes concurred; but the reformation was the chief prop and pillar of the imperial dignity, while the constitution itself remained the same, or rather was continually gaining strength even by the necessary operation of those principles on which the reformation was founded. Religious liberty made way for the entertainment of civil, in all its branches. It could not be otherwise. It disposed the minds of men to throw off that sluggishness, in which they had slumbered for many ages. A spirit of inquiry prevailed. Inveterate errors were seen through; and prejudices of all sorts fell off in proportion to the growth of letters, and the progress of reason.

The encreasing trade and wealth of the nation concurred with the temper of the times. The circulation of property brought on a natural relaxation of the feudal system. The plan of liberty was extended and enlarged; and the ballance of power soon fell into the hands of the people. This appeared very plainly from the influence of parliaments, and the daring attacks of many particular members on the highest and most favoured claims of prerogative. Our kings were sensible of the alteration: but, instead of prudently giving way to it, they flew into the opposite extreme, and provoked the spirit of the times by the

the very reluctance they shewed on all occasions to comply with it. Every dormant privilege of the crown, every phantom of prerogative, which had kept the simpler ages in awe, was now very unseasonably conjured up to terrify all opposers to encroaching royalty. Lawyers and churchmen were employed in this service. And in their fierce endeavour to uphold a tottering throne by false supports, they entirely overthrew it. The nation was out of all patience to hear the one decree the empire of the kings of *England* to be absolute and uncontrollable by human law : And the other gave more offence, than they found credit, by pretending that the right of kings to such empire was divine*. Every artifice

* The doctrines of divine right, as propagated by the churchmen of that time in their books and sermons, are well known.— The decisions of the lawyers were such as these— It had been alledged on the part of Mr. *Hampden* in the great cause of ship-money, “ That by a fundamental policy in the creation of the frame of this kingdom, in case the monarch of *England* should be inclined to exact from his subjects at his pleasure, he should be restrained, for that he could have nothing from them, but upon a common consent of parliament.” Sir *Robert Berkely*, one of the judges of the King’s-bench affirmed — “ That the law knows no such king-yoking policy : ” — Sir *Thomas Trevor*, one of the barons of the Exchequer, “ That our king hath as much power and prerogative belonging to him as any prince in *Christendom* : ” The attorney general, Sir *John Banks*, “ That the king of *England* hath an entire empire ; he is an absolute monarch : nothing can be given to an absolute prince, but is inherent in his person.” *State Trials*, vol. i. Such was the language of the guardians of the law, the temple or sanctuary, as it has been called, whither the subject is to run for shelter and protection. Had not Mr. ST. JOHN then much reason for saying indeed

indeed of chicane and sophistry was called in to the support of these maxims of law and theology. But the season for religious and civil liberty to prevail over the impotent attempts of each, was at hand. The near approach of the *divine form* created an enthusiasm, which nothing could resist. It frustrated the generous views even of her first and sincerest worshipers. In the career of those ecstatic orgies, the unhappy king could not prevent his ministers, first, and afterwards

ing, as he did on that occasion, "We have the fabric of the temple still; but the gods, the *DI I TUTELARES*, are gone." There is the more force and propriety in this censure, as it comes from a man who was himself of the profession. And another of the same order, the best and wisest perhaps that presided in those days in the temple of law, proceeds with a just indignation still farther—"These men (said Mr. HIDE in a speech to the lords) have, upon vulgar fears, delivered up the precious forts they were trusted with, almost without assault; and in a tame easy trance of flattery and servitude, lost and forfeited (shamefully forfeited) that reputation, awe and reverence, which the wisdom, courage, and gravity of their venerable predecessors had contracted and fastened to their places; and have even rendered that study and profession, which in all ages hath been, and I hope now shall be, of honourable estimation, so contemptible and vile, that had not this blessed day come (the day of impeachment of the six judges) all men would have had that quarrel to the law itself, which *Marcus* had to the *Greek* tongue, who thought it a mockery to learn that language, the masters whereof lived in bondage under others."—Thus these eloquent apologists for law and liberty. The conclusion is, that, though in the great bodies of churchmen and lawyers, some will always be found to dishonour their profession, there have never been wanting others to do justice to the public, and to assert, maintain, and preserve the dignity of their respective orders.

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the constitution itself, from falling a victim to that fury, which, in the end, forced off his own head.

Such was the issue of this desperate conflict between prerogative and liberty. The wonder was, that this fatal experience should not have rectified all mistakes, and have settled the government on a sure and lasting basis at the restoration. The people were convinced, that nothing more was requisite to their happiness, than the secure possession of their ancient legal constitution. The recalled family were not so wise. And in their attempts to revive those old exploded claims, which had succeeded so ill with their predecessors, they once more fell from the throne, and left it to the possession of that glorious prince whom the greatly injured nation has now called to it.

THIS THEN will be considered by grateful posterity as the true æra of *English* liberty. It was interwoven indeed with the very principles of the constitution. It was inclosed in the ancient trunk of the feudal law, and was propagated from it. But its operation was weak and partial in that state of its infancy. It acquired fresh force and vigour with age, and has now at length extended its influence to every part of the political system.

Hence-

Henceforward, may we not indulge in the expectation that both prince and people will be too wise to violate this glorious constitution: the only one in the records of time, which hath ever attained to the perfection of civil government? All the blessings of freedom which can consist with kingly rule, the people have: all the prerogatives of royalty, which can consist with civil freedom, are indulged to the king. From this just intermixture of the popular and regal forms, planted together in the earliest days, but grown up, at length, to full maturity, there arises a reasonable hope that the *English* constitution will flourish to the latest ages; and continue, through them all, the boast and glory of our country, and the envy and admiration of the rest of the world.

MR. SOMERS.

How generous in your lordship is this patriot augury of immortality to the *English* constitution! Yet I dare not be so sanguine in my expectations*.

* A great lawyer however, and one of the ornaments of Mr. Somers's own house, is not afraid to indulge in these generous expectations. In a late treatise, in which he explains, with exquisite learning, the genius of the feudal policy, "These principles, says he, are the principles of freedom, of justice, and safety. The *English* constitution is formed upon them. Their reason will subsist, as long as the frame of it shall stand; and being maintained in purity and vigour, will preserve it from the usual mortality of government." *Considerations on the Law of forfeiture.* 3d Ed. Lond. 1748.

And

And Sir *John Maynard*, I suspect, who has seen the madness of kings and people, in their turns, will hardly expect it from me. It may be sufficient that we put up our ardent vows to heaven for the long continuance of it. Less than this cannot be dispensed with in an honest man. Every blessing of civil policy is secured to us by this new, but constitutional, settlement. And may our happy country enjoy it, at least as long as they have the sense to value, and the virtue to deserve, it.

Sir J. MAYNARD.

When these fail, our wishes, and even prayers themselves will hardly preserve us. Vice and folly, as you say, may do much towards defeating the purposes of the best government. What effect these may have, in time, on the *English* liberty, I would not, for the omen's sake, undertake to say. You, my lord, and Mr. SOMERS (who are so much younger men) may be able, hereafter, to conjecture with more certainty of its duration. It is enough for me that I have lived to see my country in possession of it.

F I N I S.



